

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

HORIZON TOWER LIMITED, LLC and  
HORIZON TOWER, LLC,

Plaintiffs

v.

Civil Action No. 23-CV-00037-ABJ

PARK COUNTY, WYOMING; BOARD OF  
COUNTY COMMISSIONERS OF PARK  
COUNTY, WYOMING; DOSSIE  
OVERFIELD, LLOYD THIEL, LEE  
LIVINGSTON, SCOTT MANGOLD, and  
SCOTT STEWARD, in their official capacity  
as Members of the Board of County  
Commissioners for Park County, Wyoming.

Defendants.

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**DEFENDANTS' NOTICE OF EXPERT WITNESS DISCLOSURE**

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Expert Report of Brian Clarkson

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## 1. Introduction

Name: Brian Clarkson

Address: 7 Hallingdal Lane

Cody, WY 82414

Date of Report: 8/15/2023

## 2. Qualifications

### **Educational Background:**

B.A. in Mathematics, University at Buffalo

M.S. in Geography, University at Buffalo

Cadastral Surveying Certificate, University of Wyoming

### **Professional Experience:**

Licensed Land Surveyor, New York State since 2013.

Nineteen years of experience in performing and managing surveying and GIS projects.

Current position: Geospatial Services Manager.

As the Geospatial Services Manager I have significant experience with viewshed and suitability analysis projects. Within Park County I have worked on a suitability analysis for the future land use of the County, processed UAV imagery for the production of aerial and topographic deliverables across multiple public and private locations, 3D modeling and analysis of erosion events and proposed water tower locations, and have been a part of multiple projects utilizing GIS and survey data across Park County.

Outside of Park County I have managed projects and developed the workflows to identify obstructions to protected airspaces for dozens of airports across the Rocky Mountain Region, completed suitability analysis for new airport locations, completed viewshed analysis for airport towers to identify impacts to line-of-sight for proposed improvements, and developed the



workflow for identifying line-of-sight impacts to protected ridgelines for new developments in Wasatch County, Utah.

### 3. Instructions

I was asked to share my viewshed or line-of-sight analysis with an RF Engineer to assess the viability of constructing a cell tower at a height and location less intrusive than Horizon Tower's proposed 195-foot tall cell tower.

### 4. Background Information and Data Sources

#### **Data sources used include:**

- 10-meter National Elevation Dataset from USDA/NRCS
  - United States Department of Agriculture. (n.d.). USDA Natural Resources Conservation Service. <https://datagateway.nrcs.usda.gov/GDGOrder.aspx>
- Parcels downloaded from the State of Wyoming Department of Revenue
  - Wyoming Department of Revenue. (n.d.). Wyoming Department of Revenue. <https://wyo-prop-div.maps.arcgis.com/home/index.html>
- Wetlands data from U.S. Fish and Wildlife Service
  - U.S. Fish & Wildlife Service. (n.d.). Download seamless wetlands data by state: U.S. Fish & Wildlife Service. FWS.gov. <https://www.fws.gov/program/national-wetlands-inventory/download-state-wetlands-data>
- Subdivisions derived from parcel data and Park County's Map Server
  - Greenwood Mapserver. (n.d.). Park County Map Server. <https://maps.greenwoodmap.com/park/map#zcr=10.8/-12153432/5554516/0&lyrs=statefed,water,cities,ownership,roads>

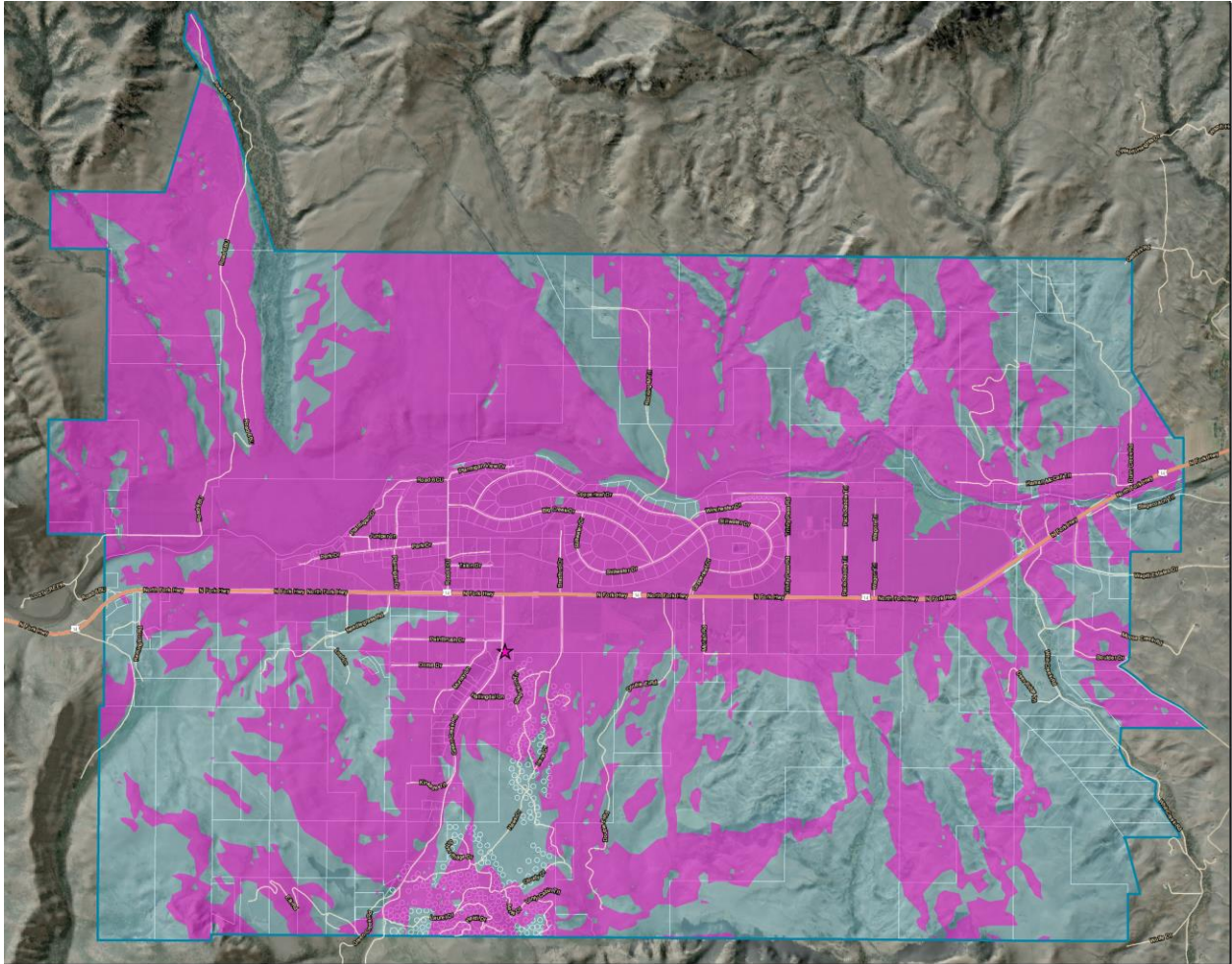
#### **Software used:**

ESRI ArcMap and ArcGIS Pro

### 5. Methodology

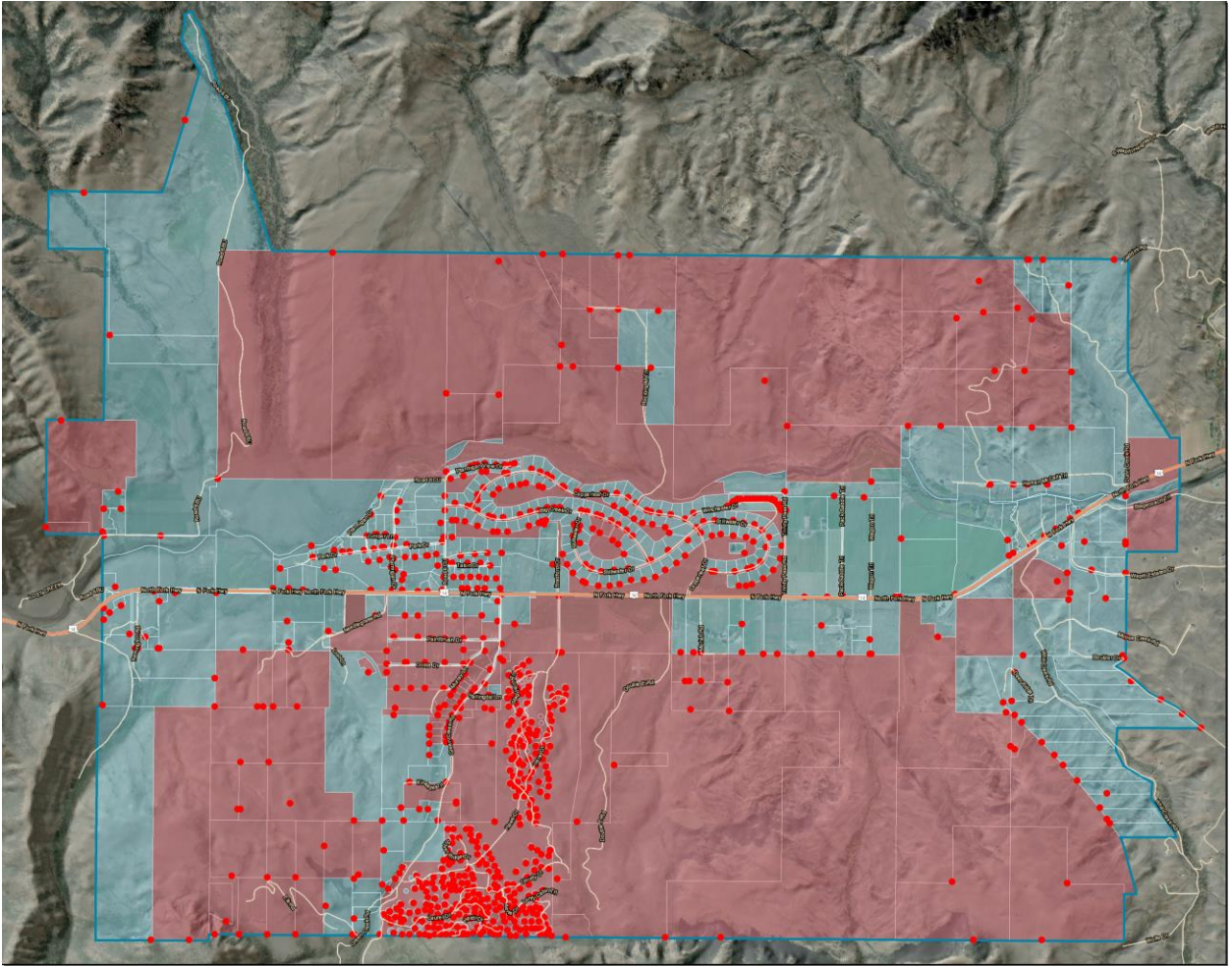
### Viewshed Analysis:

- Completed a viewshed or line-of-sight analysis at a height of 195-feet at the cell tower location proposed by Horizon Tower. The analysis was clipped to the boundary of the Wapiti Valley as defined as the 842 parcels west of the bridge along Highway 14-16-20 crossing the North Fork of the Shoshone River. The 842 parcels cover an area of approximately 842 acres which will be referred as the Wapiti Valley. The line-of-sight analysis resulted in a viewshed of approximately 5,552 acres or 61% of the valley.



*Figure 1: The above figure displays the 9,030 acres of the Wapiti Valley in blue. The pink star represents Horizon's proposed tower location. The pink area represents the 5,552 acres within line of site of a tower at a height of 195-feet.*

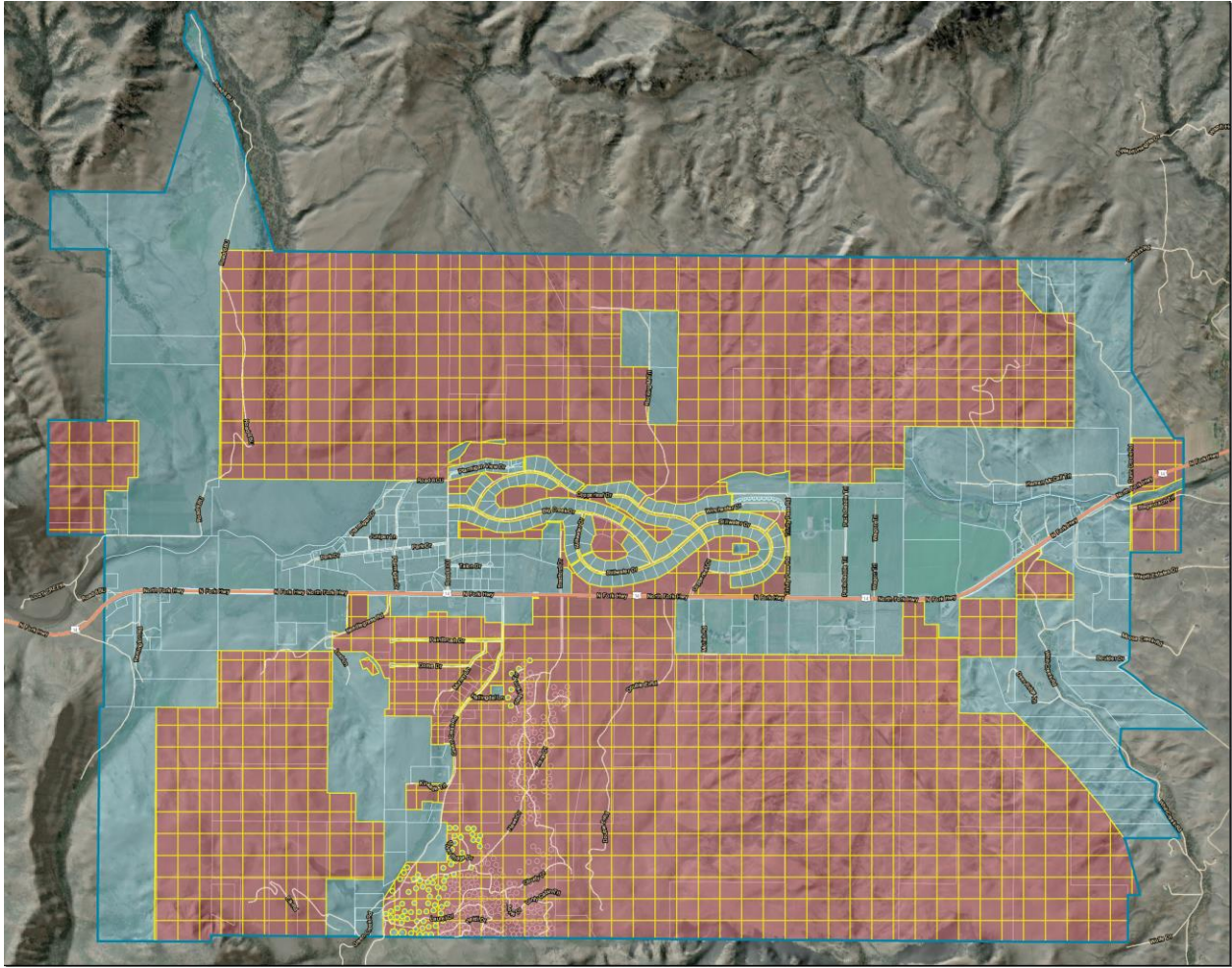
- The 10-meter National Elevation Dataset was used in combination with 842 parcels to identify the highest point of elevation in each of these parcels. A viewshed analysis was completed at a height of 195-feet at each of these locations. The analysis identified 342 parcels with a viewshed greater than 5,552 acres.



*Figure 2: The above figure displays the locations of the highest points of elevations (red dots) and the 342 parcels identified as having a location that covers a line-of-sight greater than 5,552 acres.*

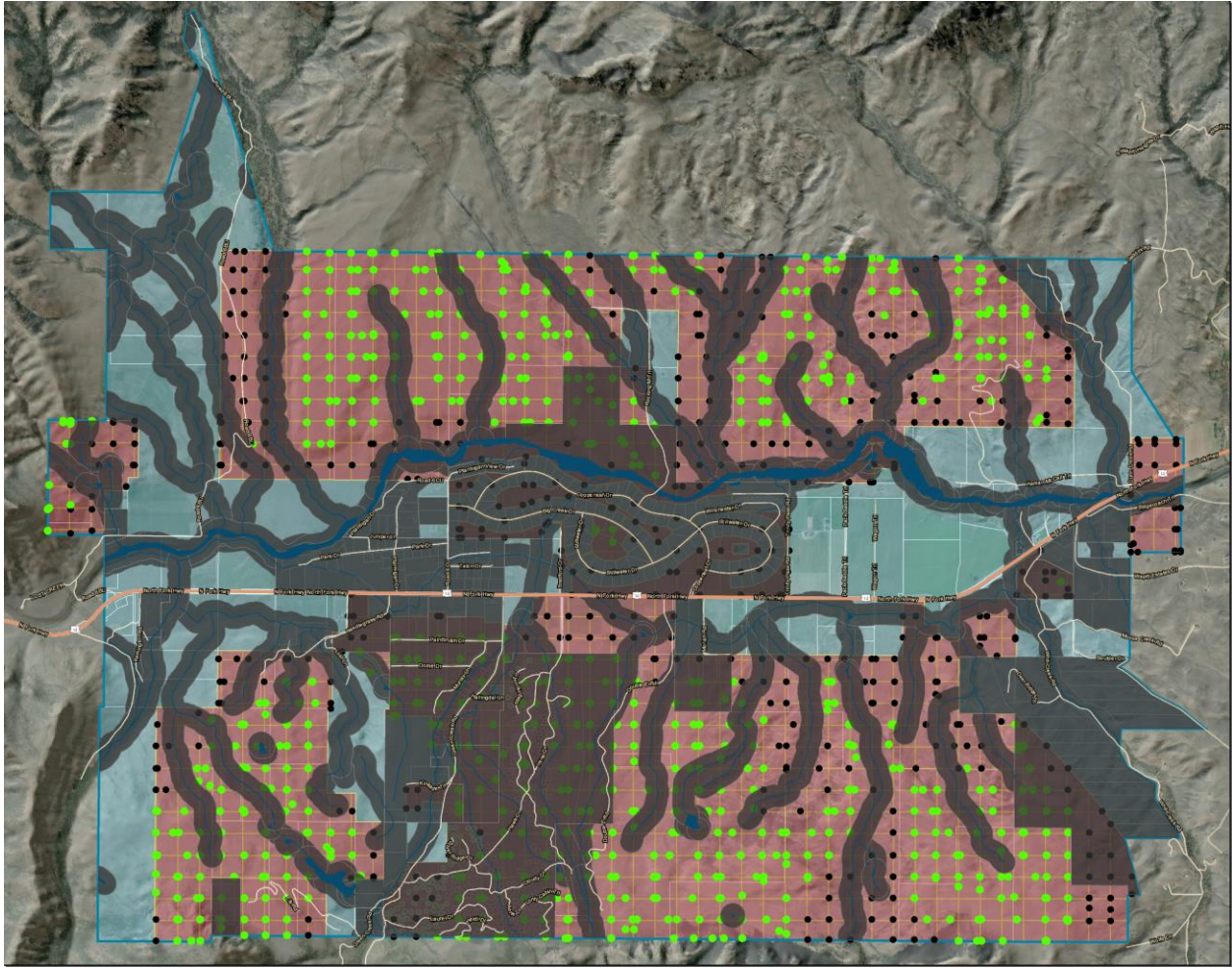
- The 342 parcels were split into 500'x500' grids. The highest point of elevation was identified in each of those parcels. A viewshed analysis at a height of 195' was completed for each of those points resulting in 710 locations with a line-of-sight covering an area greater than 5,552 acres.





*Figure 3: The above figure displays the 500'x500' grids used to identify proposed cell tower locations.*

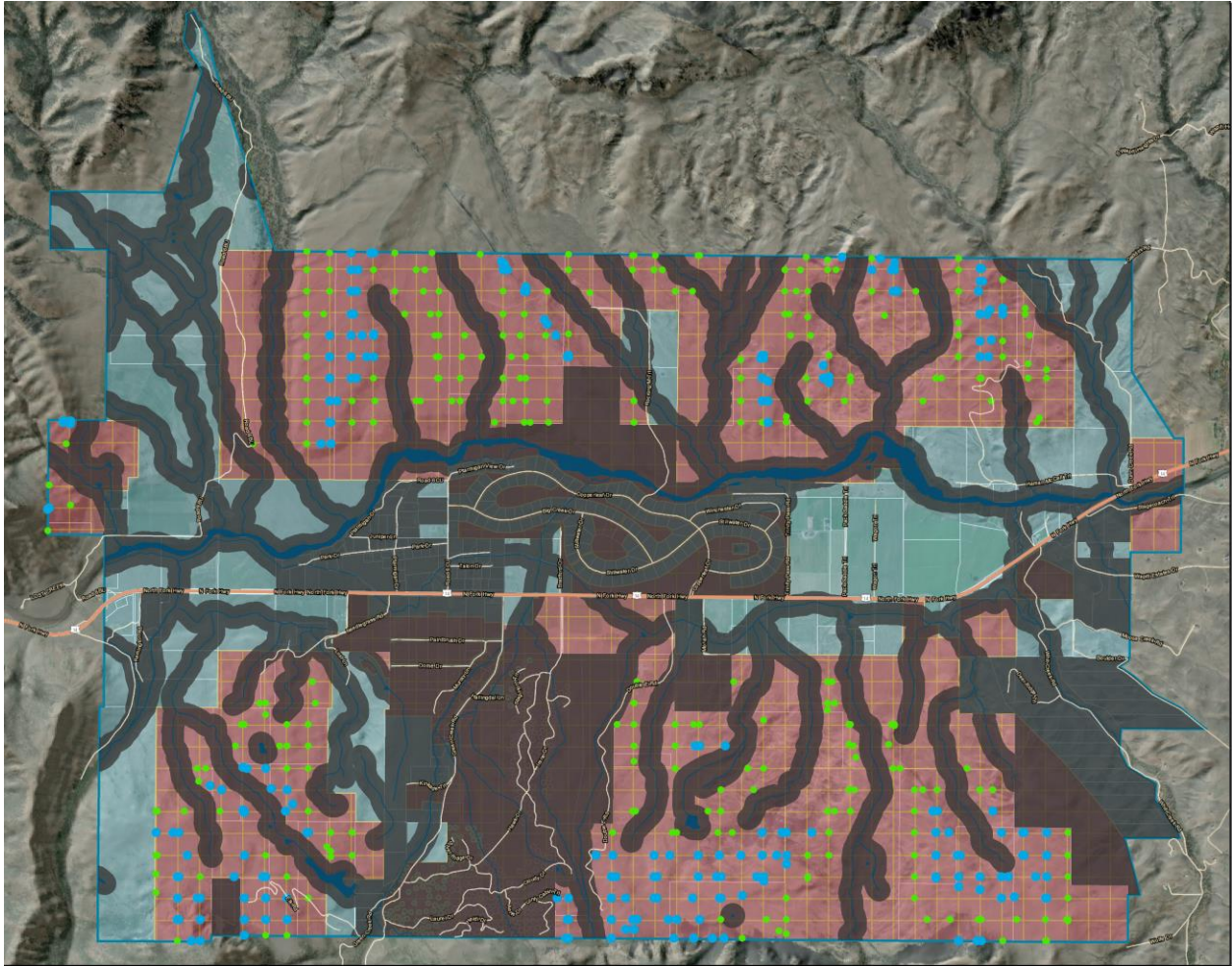
- To meet the goal of identifying locations more suitable for the surrounding neighborhood, a 250-foot buffer was applied to subdivisions and wetland corridors. This resulted in removing 236 of the 710 locations which left 474 locations with a viewshed of greater than 5,552 acres.



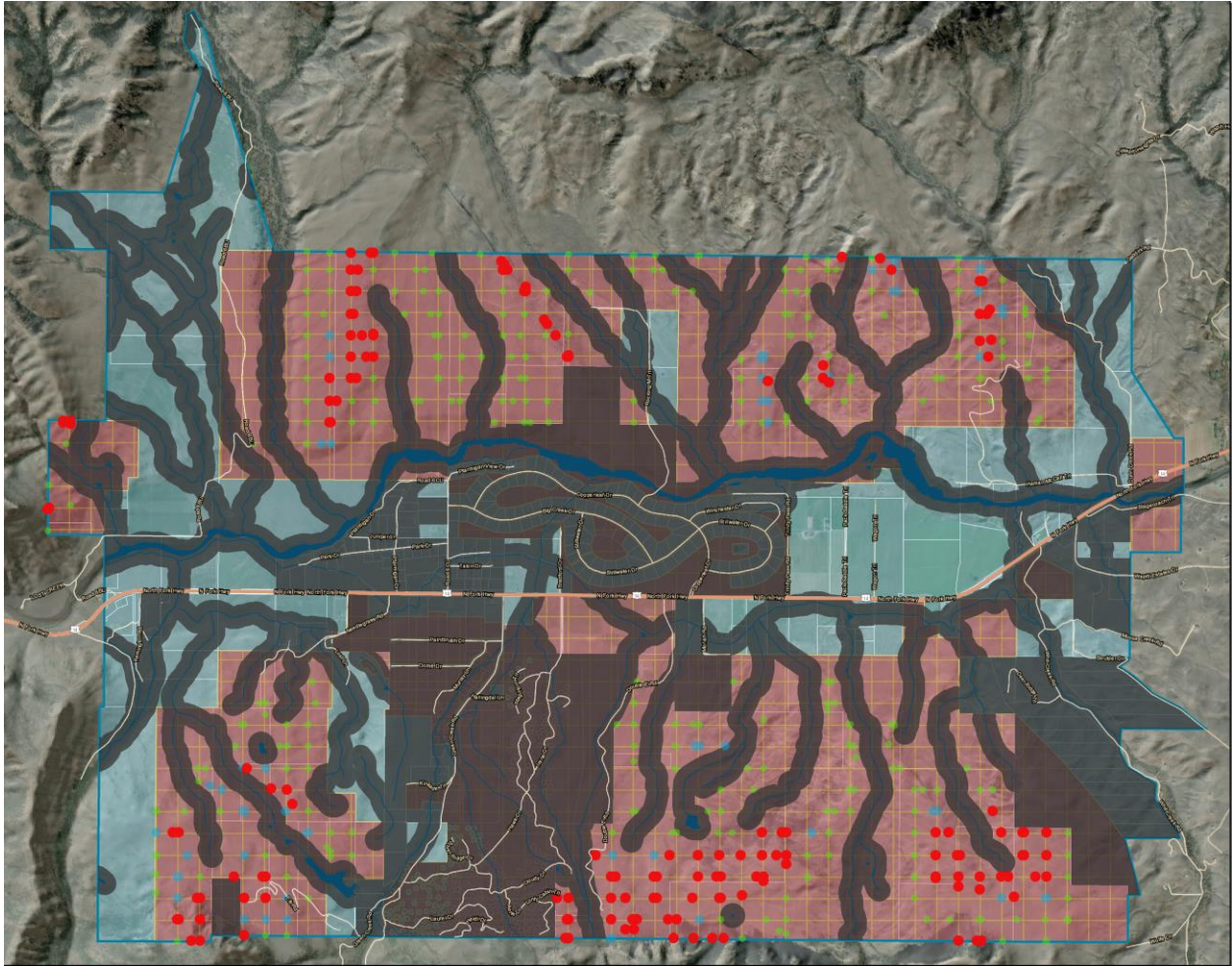
*Figure 4: The above figure displays the 250' buffer in grey for both the subdivisions and wetlands. The green dots are the resulting 474 proposed locations.*

- A viewshed analysis was completed at each of those 474 locations at heights less intrusive than the proposed 195-foot monopole.
  - At a height of 100-feet, 207 locations were identified.
  - At a height of 75-feet, 150 locations were identified.
  - At a height of 50-feet, 107 locations were identified.



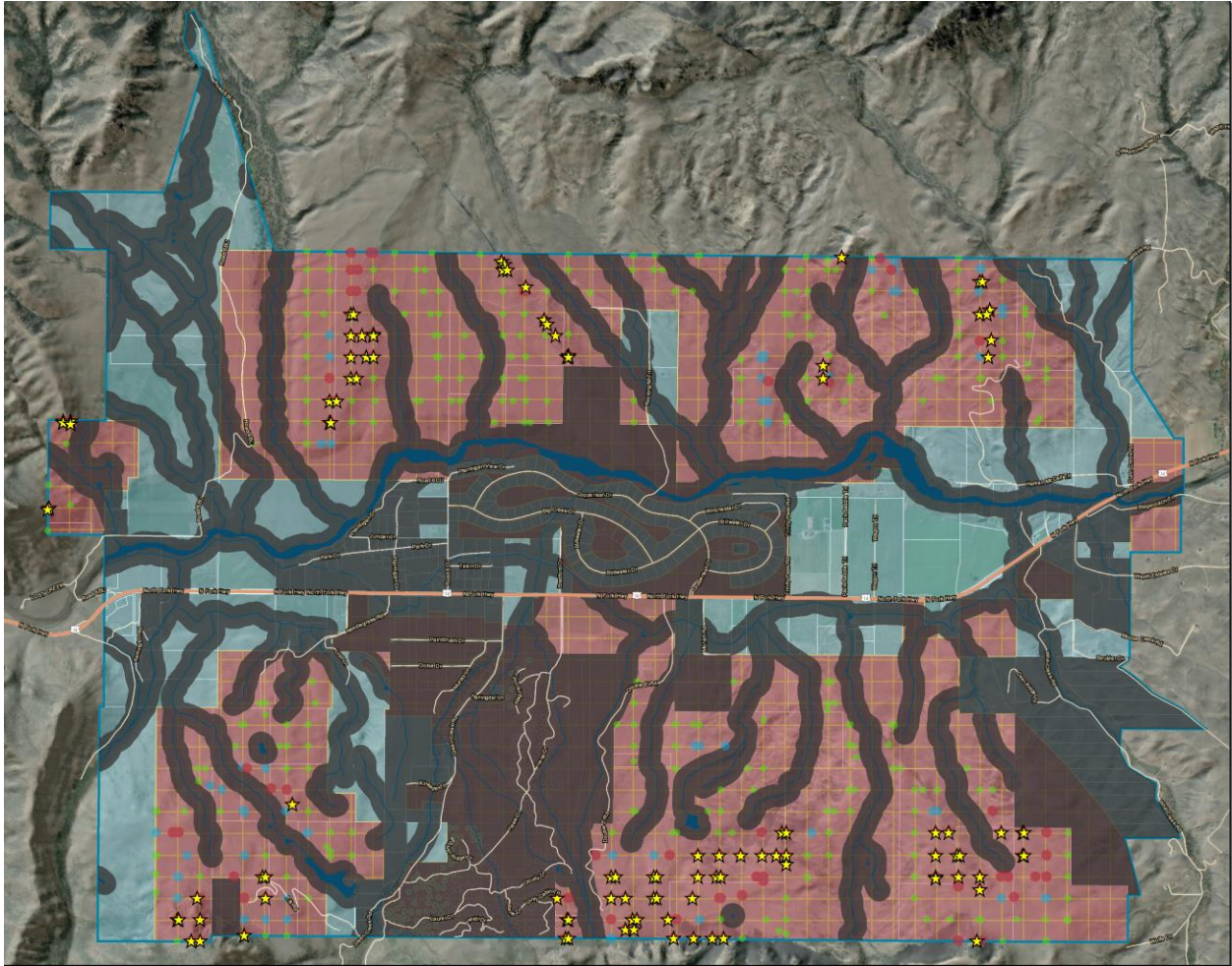


*Figure 5: The above figure displays the location of the 207 alternative locations at a height of 100-feet with a viewshed greater than 5,552 acres as blue dots.*



*Figure 6: The above figure displays the location of the 150 alternative locations at a height of 75-feet with a viewshed greater than 5,552 acres as red dots.*





*Figure 7: The above figure displays the location of the 107 alternative locations at height of 50-feet with a viewshed greater than 5,552 acres as yellow stars.*

**Recommendations:**

A selection of the most suitable locations was provided to an RF Engineer to determine the feasibility of constructing a shorter cell tower that would minimize visual impact.



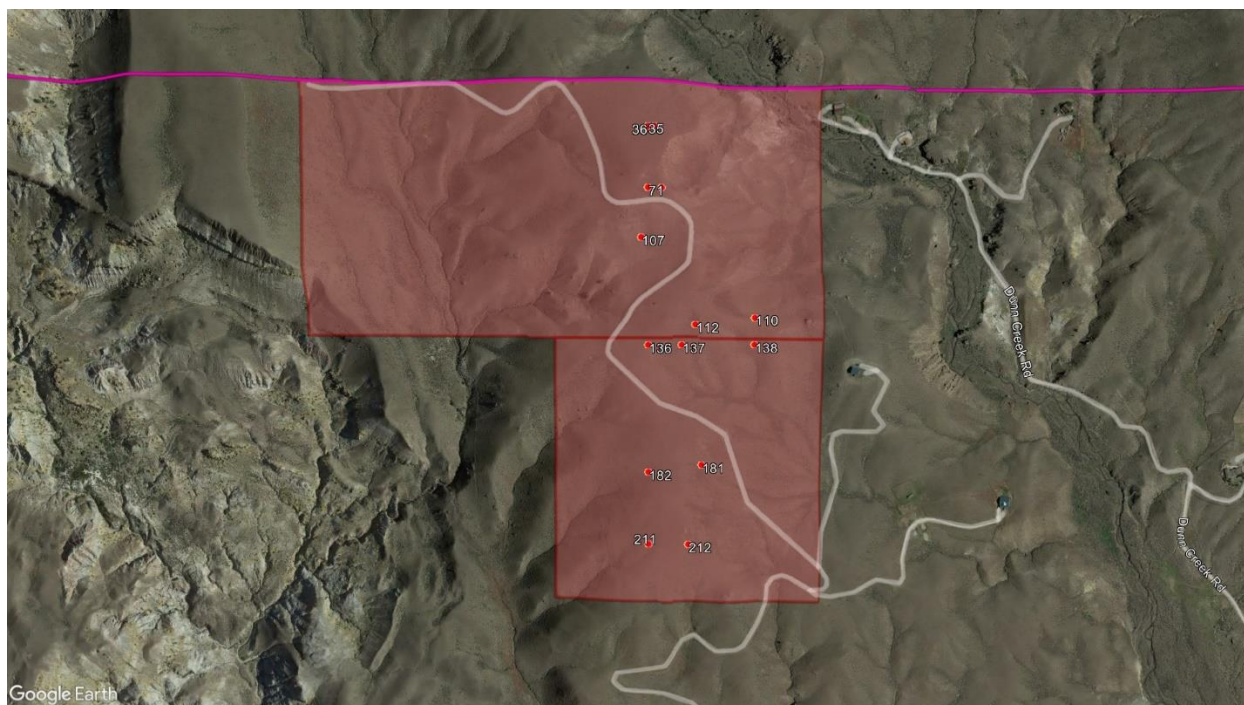


Figure 8: The figure above displays the alternative sites locations (red dots) and parcels (red polygons) located within the northeast quadrant of the Wapiti Valley that were provided to the RF Engineer for further analysis.

Point ID	Latitude	Longitude
35	44.48341996	-109.4467573
36	44.48342073	-109.4466316
71	44.48261005	-109.4467477
72	44.48261158	-109.4464963
107	44.48197935	-109.4468659
110	44.48091248	-109.4447162
112	44.4808156	-109.4458464
136	44.48054027	-109.446723
137	44.4805441	-109.4460946
138	44.48055252	-109.4447119
181	44.47892657	-109.4456982
182	44.47883045	-109.4467027
211	44.47784055	-109.4466909
212	44.47784515	-109.4459368

Figure 9: Table above provides the coordinates of the points provided to the RF Engineer.

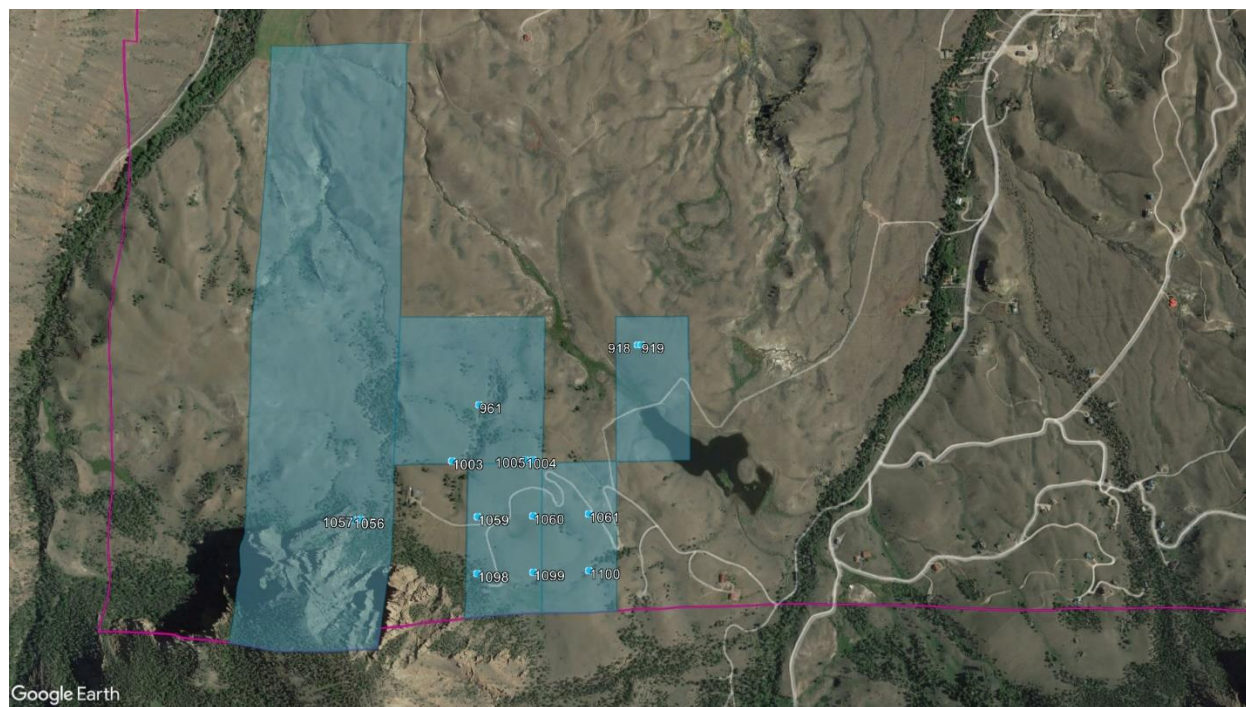


Figure 10: The figure above displays the alternative sites locations (blue dots) and parcels (blue polygons) located within the southwest quadrant of the Wapiti Valley that were provided to the RF Engineer for further analysis.

Point ID	Latitude	Longitude
918	44.44740592	-109.505754
919	44.44740675	-109.5056284
961	44.44592938	-109.5112627
1003	44.44457367	-109.5121245
1004	44.4445904	-109.5096122
1005	44.44459207	-109.5093609
1056	44.44320198	-109.5153729
1057	44.44320366	-109.5151217
1059	44.44322968	-109.5112277
1060	44.44324223	-109.5093435
1061	44.44325474	-109.5074592
1098	44.44187984	-109.5112101
1099	44.44189238	-109.509326
1100	44.44190489	-109.5074418

Figure 11: Table above provides the coordinates of the points provided to the RF Engineer.

## 6. Opinion

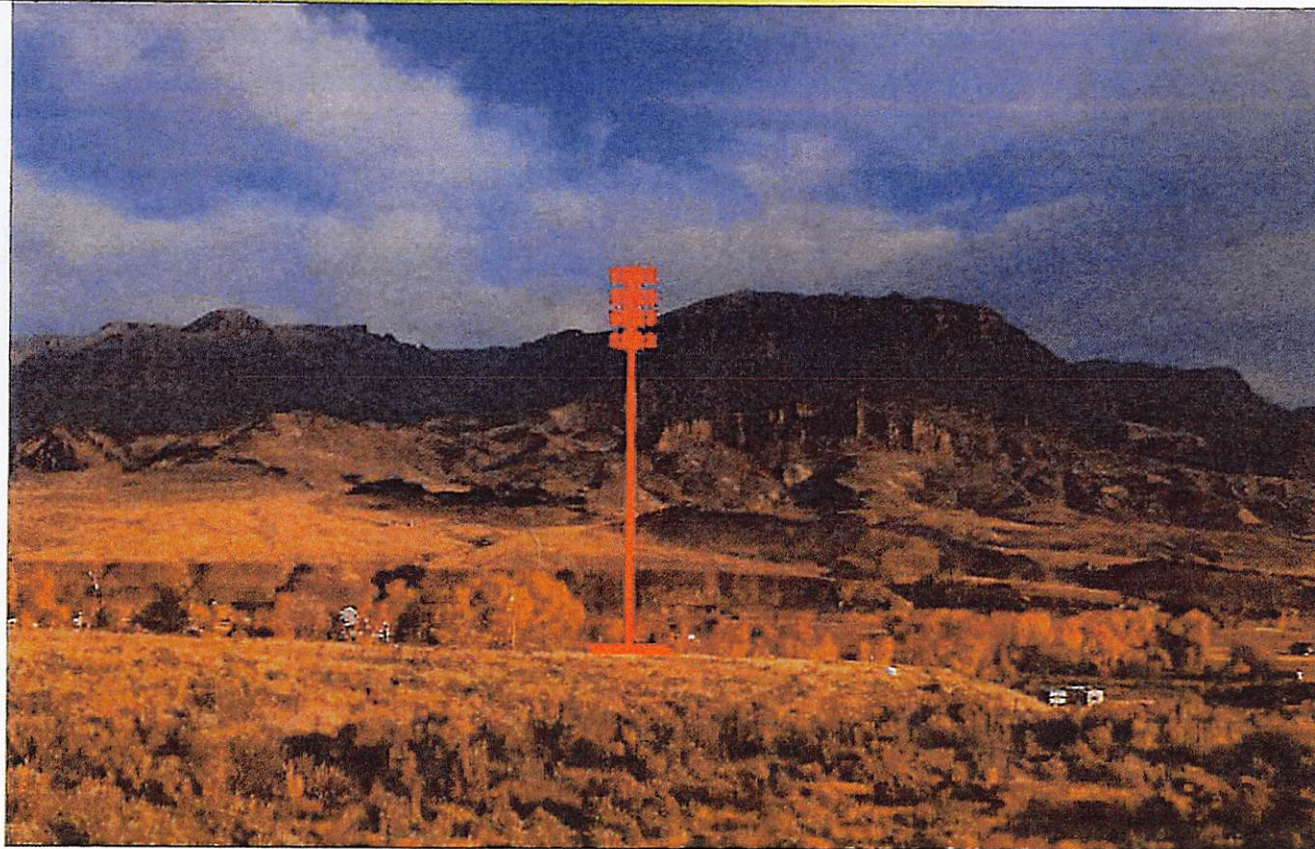
Based on my experience and the methodology applied in this analysis, I believe the proposed locations identified present examples of viable alternatives for the placement of a cell tower with reduced visual impact on the Wapiti Valley. The information and opinion provided as part of this report should only be used for a line-of-sight analysis based on the topography assessed from the data outlined per section 4 of this report. Any alternative communication tower siting analysis should be evaluated by a professional RF Engineer.

For more information please reference the reports and pdf documents of the public hearing presentations provided to the County for a complete assessment of my findings.

I am not being paid for this report and I am not asking for any compensation for my testimony. The information and opinions expressed in this report are my own personal findings as a private citizen of the Wapiti Valley and are not those of my current or former employers.



# Horizon Green Creek Tower SUP-44



# Background



Brian Clarkson, PLS (NY)

- B.A. Mathematics – University at Buffalo
- M.S. Geography – University at Buffalo
- Cadastral Surveying Certificate – University of Wyoming
- T-O Engineers – Geospatial Services Manager
- University at Wyoming – UAS Sensors and Platforms
- Vice President – WyGEO
- President – Wapiti Valley Preservation Group
- Resident – 7 Hallingdal Lane



# Telecommunications Act of 1996



## **SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.**

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996

# Telecommunications Act of 1996



“(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996



# Telecommunications Act of 1996



## “(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996



# Telecommunications Act of 1996



“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

Records.

PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996

# Telecommunications Act of 1996



“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

“(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996



# Telecommunications Act of 1996



PUBLIC LAW 104-104—FEB. 8, 1996

TELECOMMUNICATIONS ACT OF 1996

- The Act does not limit local government authority over the decisions regarding the placement, construction, and modification of wireless facilities.
- Limitations
  - Shall not unreasonable discriminate between providers
  - Shall not prohibit wireless service
  - Local government shall act within a reasonable amount of time on a request for wireless service, “shot clock”, 3/16/2023?
  - Any decision by a local government to deny a request to construct wireless service shall be in writing and supported by substantial evidence contained in a written record.
  - No local government may regulate the placement or construction of wireless service based on the environmental effects of radio frequency emissions.
  - 30 days to appeal

# Planning and Zoning Commission Decision



**WHEREAS** the Commission considered the approval standards for granting a Special Use Permit and found the applicant's proposal does not meet all of the applicable approval standards due to the following:

1. The use is not in harmony and compatible with surrounding land uses and with the neighborhood; and
2. The use will create a substantial adverse impact on adjacent properties;

**NOW, THEREFORE, BE IT RESOLVED** based on the foregoing, the Planning & Zoning Commission hereby recommends **DENIAL** of the application for the Horizon Green Creek Tower SUP-244 Permit.

**PLANNING AND ZONING COMMISSION  
PARK COUNTY, WYOMING**

**ATTEST:**

  
Kimberly Brandon-Wintermote, Chairman

  
Jolene Brakke, Secretary

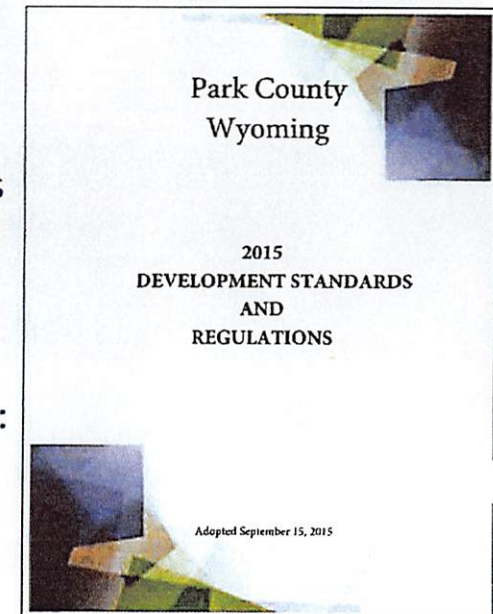


# Approval Standards



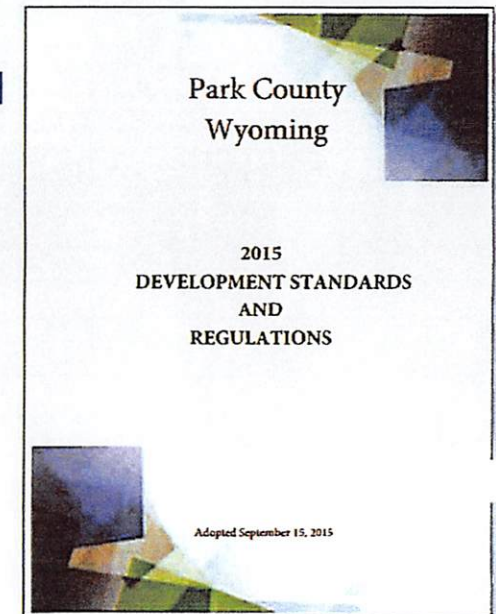
## Park County's 2015 Development Standards and Regulations

- Chapter IV – Zoning Regulations
  - Section 4: Applications and Administration of Zoning Regulations
    - D. Special Use Permits
      - (3) Approval Standards: The Planning & Zoning Commission and the Board of County Commissioners shall approve a Special Use Permit only if it is found that:



# Approval Standards

A. Compatibility and Impacts: The use is in **harmony** and **compatible** with surrounding land uses and with the **neighborhood** and will not create a substantial adverse impact on adjacent properties;



## Approval Standards: Definitions



**Compatible:** Capable of existing together in harmony: designed to work with another device or system without modification.

**Harmony:** A pleasing arrangement of parts.

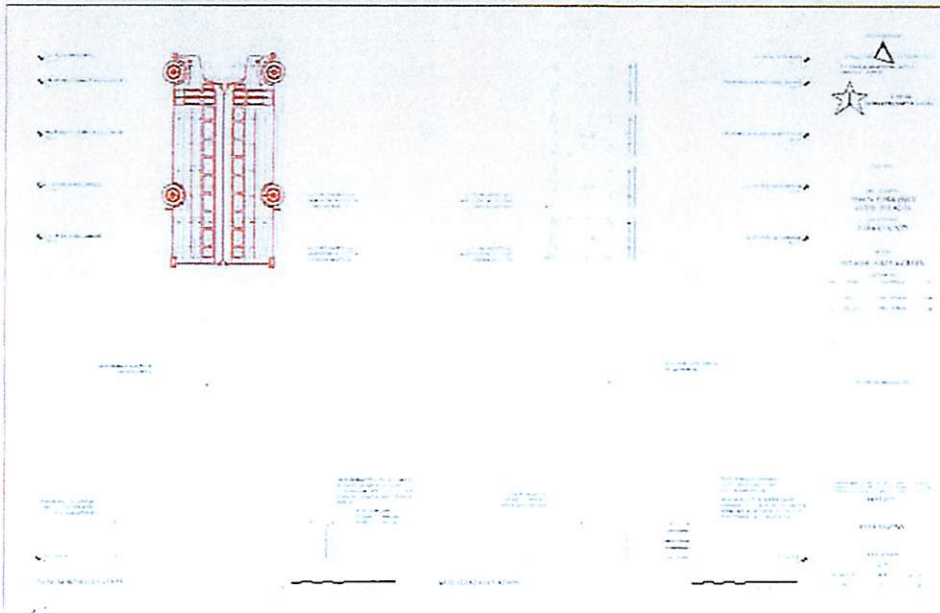
**Neighborhood:** the people living near one another: a section lived in by neighbors and usually having distinguished characteristics.



# Proposed Cell Tower



- 195-foot Tall Monopole
- 4 Sets of Antenna, occupying the profile of 2 full size school buses
- Elevation: 5,833', lowest 14% of the Valley





## Proposed Tower Location



Wapiti Valley = 9,030 Acres West  
of Wapiti Bridge

Bisected by the North Fork  
Highway, considered "the most  
beautiful 50 miles in America"

<https://centerofthewest.org/east-gate-of-yellowstone/>



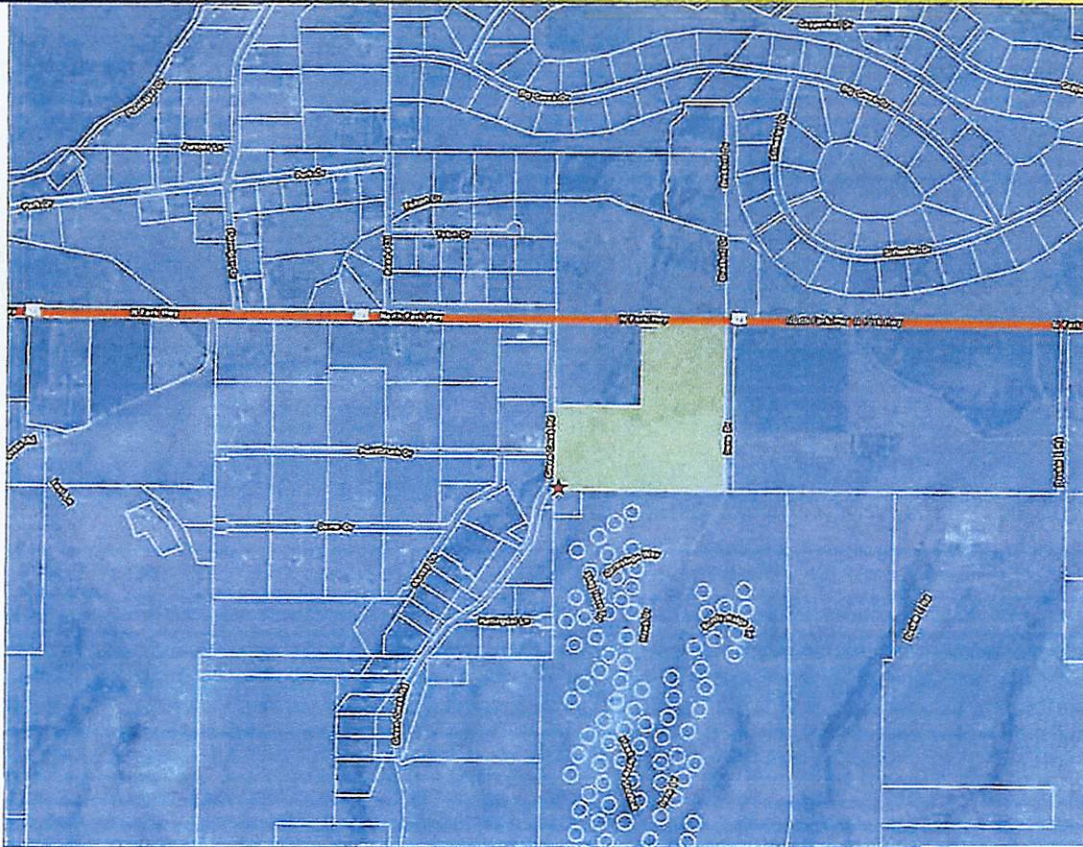


# Proposed Tower Location



## Tamara Young Parcel

- 29.94 Acres
- 2 Acres Residential
- 10 Acres Agricultural III
- 18 Acres Agricultural R-3
- Zoned GR-5



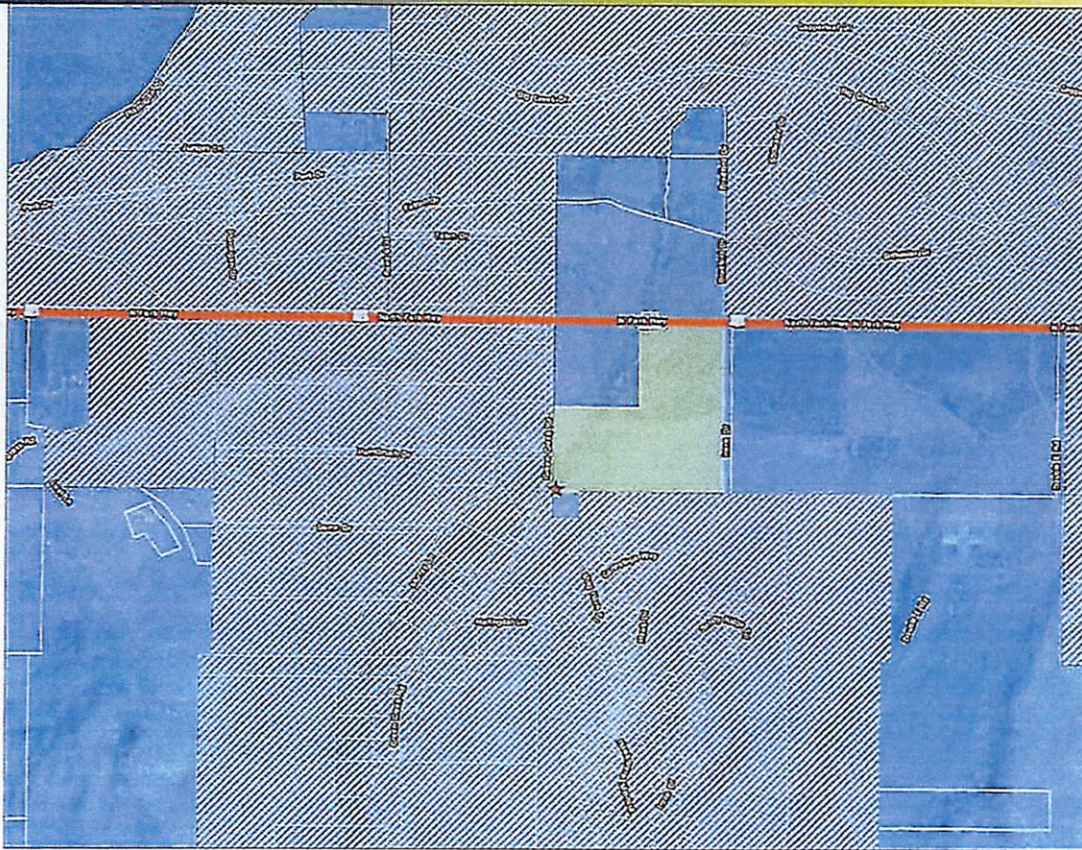


# Proposed Tower Location



## Tamara Young Parcel

- Surrounded by Subdivisions



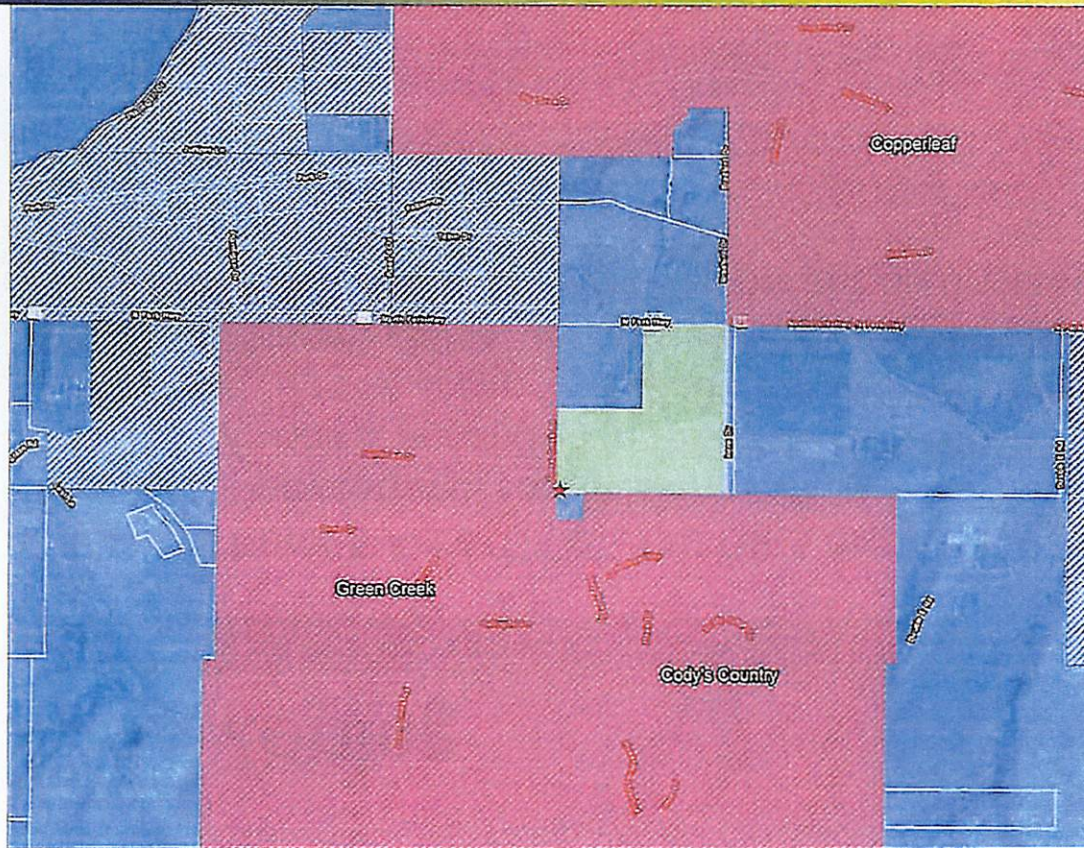


# Proposed Tower Location



## Tamara Young Parcel

- Surrounded by Subdivisions
- Adjacent to 3 Subdivisions



## GR-5 Zoning



F. **General Rural 5-Acre (GR-5).** The GR-5 district allows moderate-intensity land uses. Conventional subdivisions will average 5 acres per housing unit. A variety of uses is permitted in this district in recognition of the varied land uses typical of rural areas. **This district is also intended to promote the retention of open space, agricultural land, wildlife habitat, riparian habitat and scenic areas** and prevent development on unstable geologic features.



# Neighborhood: Adjacent Subdivisions



## Green Creek Subdivision Covenants

**Covenant A**, "All lots... shall be known and described as **suburban residential lots and cabin sites**. All **buildings shall be rustic in appearance** and in the event the owner of any lots shall build a fence facing the public road in said Green Creek Subdivision, said fence shall be rustic and of pole construction."

**Covenant E** of said document states, "**No noxious or offence activities shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.**"

**Covenant G** discusses the prohibition of oil drilling, "No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot, not shall oil wells, tanks, tunnels, mineral excavations or shaft be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot."

# Neighborhood: Adjacent Subdivisions



## Cody's Country Subdivision Covenants

**Paragraph 5 of Book 371, Page 537, "Installations for water and sewer lines and utility lines, including electric power and telephone lines, shall be underground."**

**Paragraph 16** of said document states, "Neither building site nor the common use area shall be used as a location or site for the conduct of any commercial or industrial enterprise or activity. Without the written consent of developer, no building, sign, structure, or other improvement including fences, shall be located on or commenced on any building site, except such as are approved in writing in advance by developer in respect of location, design, size, materials, and intended use. Developer will not arbitrarily withhold approval, but instead will apply to all building sites, without discrimination, only such restrictions and restraints as developer may deem appropriate to **secure harmony between the buildings, structures, and improvements and the natural surroundings and terrain, and to avoid offensive or irritating or annoying sights, smells or sounds, and to avoid pollution of air, water, or terrain.**"



# Neighborhood: Adjacent Subdivisions



## Copperleaf Subdivision Design Standards

**Document 2018-6069**, discusses placing utilities underground on **page 9**, "**No overhead utility lines** are permitted within the community, except for temporary lines as required during construction..."

**Page 10**, "Portions of a lot shown as "open space area" on any recorded plat shall be generally left in a natural state."

**Page 11** states, "Residential designs selected for Copperleaf **capture the spirit of mountain architecture consistent with the valley setting of the site and the unsurpassed views of the foothills and peaks, which surround the community.**"

**Page 12** of said document, the heights of **buildings are limited to**, "Plans submitted to the DRB shall **not exceed 38'0" in height** measured from the finished grade at the front elevation to the highest point of the ridgeline, excluding cupolas, fireplaces, and roof elaboration."



# Neighborhood



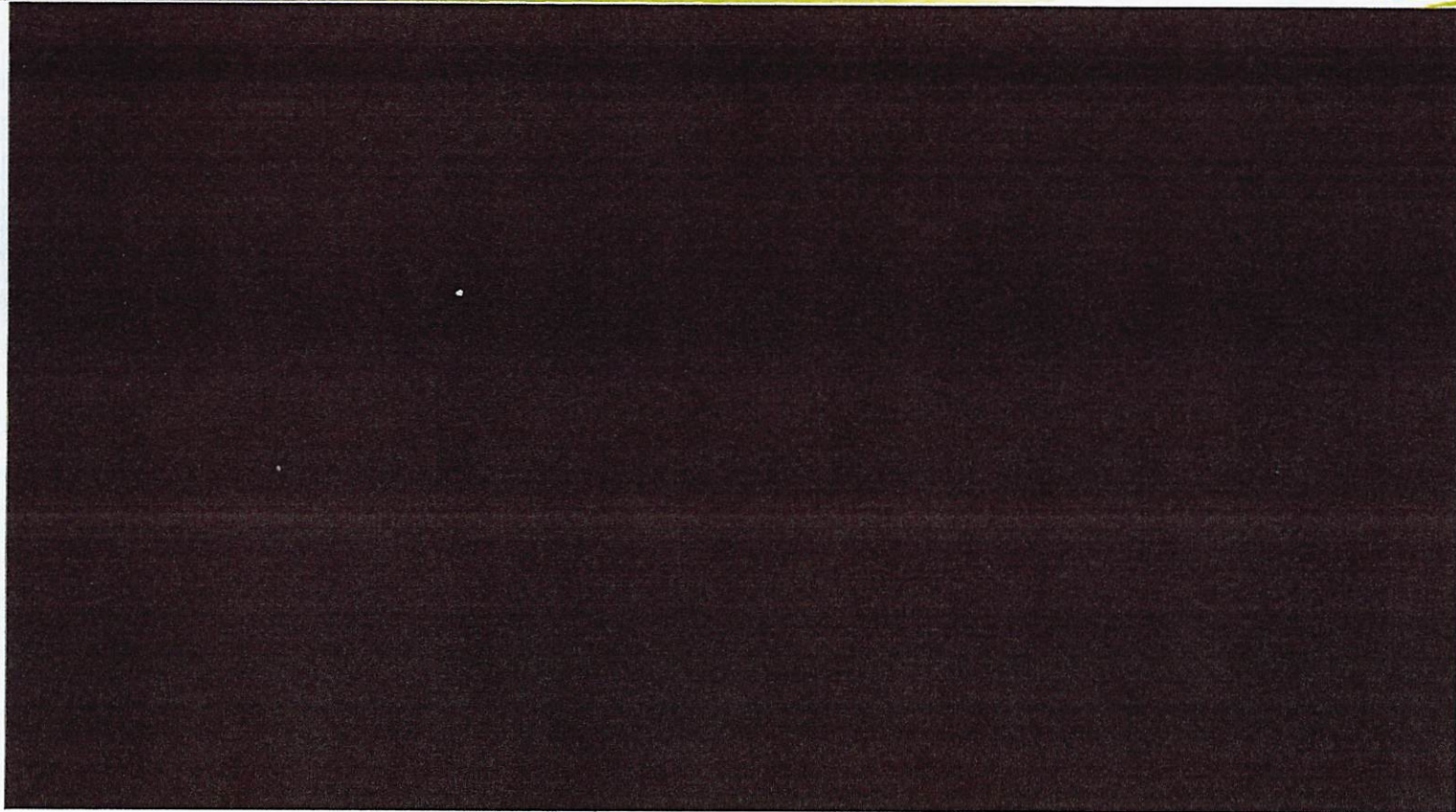
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Pattern size 6, 4.5mm

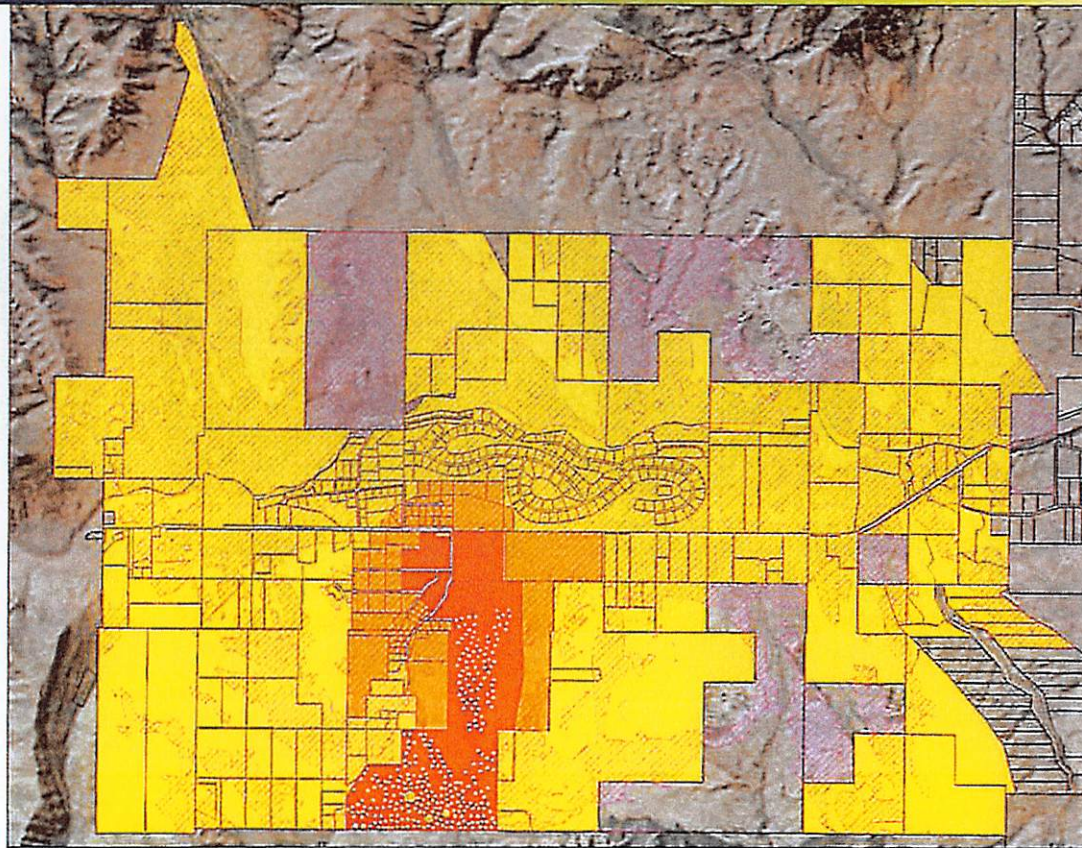


# Harmony





# Property Value Map



**20% Reduction in Parcels within  
1,000' of proposed Tower.**

**9.78% Reduction within 2,300'**

**2% Reduction in view of tower**

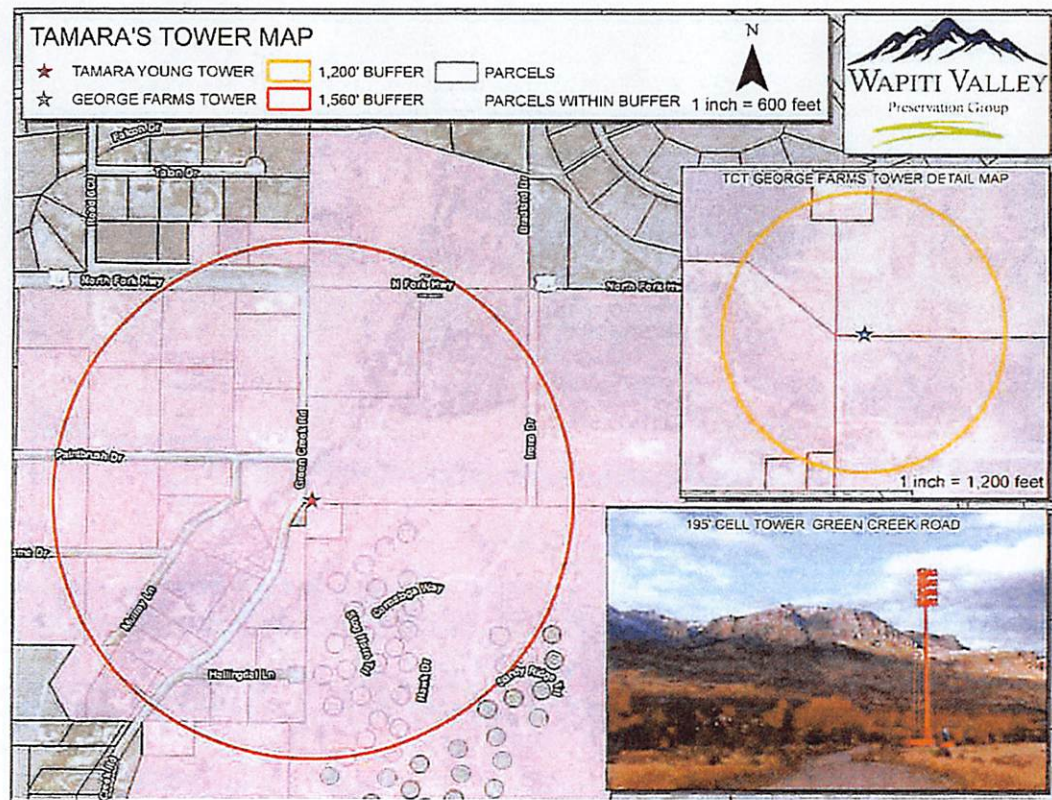
**Total Assessed value loss  
\$6,326,896**

<https://wyo-prop-div.wyo.gov/tax-districts/maps-gis-data>

Cell Phone Towers Lower Property Values: Documentation  
And Research on Cellular Base Stations Near Homes -  
Environmental Health Trust ([ehtrust.org](http://ehtrust.org))



# TCT Tower vs. Green Creek Tower

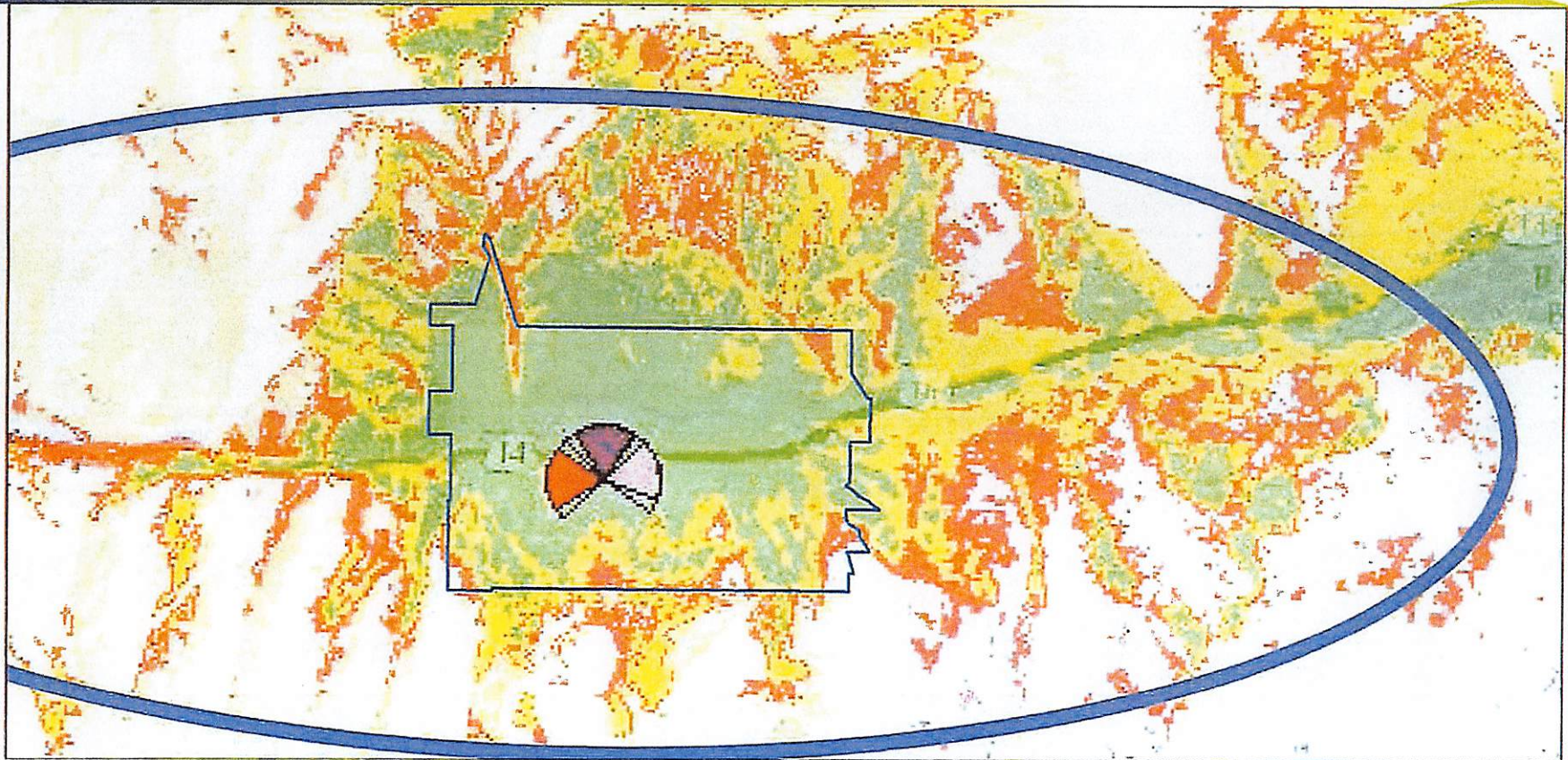


	George Farms TCT Tower	Tamara Young Cell Tower
Height of Tower	150'	195'
Distance Buffer	1,200'	1,560'
Distance to Nearest Road	1,300'	10'
Parcels Within Buffer	7	72
Acres Within Buffer	104± acres	176± acres
Value Per Acre	\$2,992	\$12,577
Value Within Buffer	\$311,168	\$2,213,552

The proposed 195' Cell Tower along Green Creek Road would affect **1,029%** more parcels, **711%** more land value, and be **13,000%** closer to the nearest county road than the 150' TCT George Farms Tower.



# Verizon Coverage Map





# Horizon Tower, LLC



## 195' Monopole Tower

- 2944 N Fork Highway Cody, WY 82414
  - Latitude: 44.458961 N (NAD83)
  - Longitude: -109.488361 W (NAD83)
  - Ground Elevation: 546' (NAVD88)
  - Anchor tenant is Verizon
- Antenna Centerline at 191' AGL

## Concerns about Horizon Tower leadership

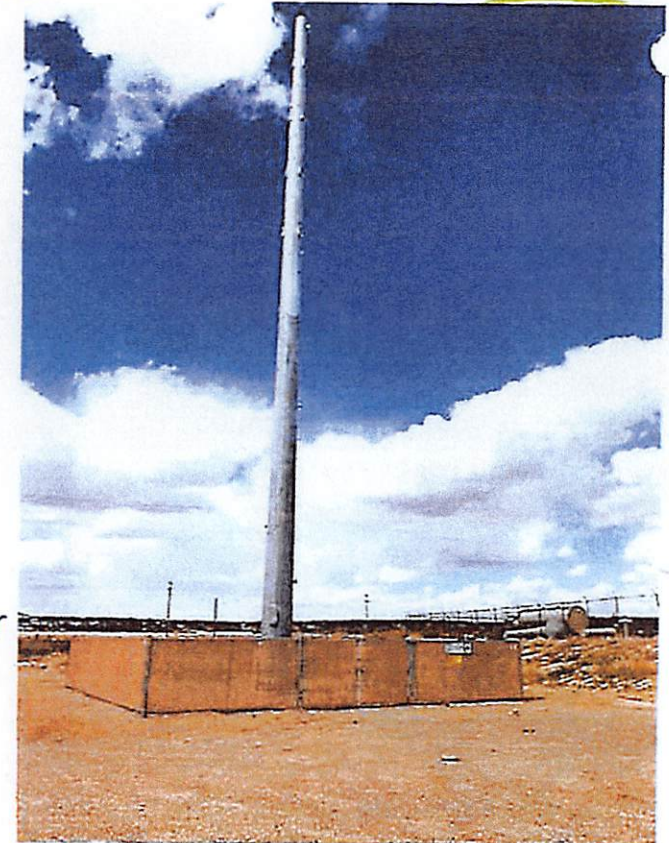
- Is it a 60'x60' fenced ground compound or 40'x40'?
- 6' tall fence or 8' tall fence?
- 195' tall monopole tower or 195' lattice tower? **Or now TBD?**
- 4 Sets of antenna located at 191', 181', 171' and 161'?
- Or is it 5 sets of antenna located at 190', 180', 170', 160' and 150'?
- 3,600 sq ft site or 3,500 sq ft site?



## Horizon Tower, LLC: 2 Wyoming Towers



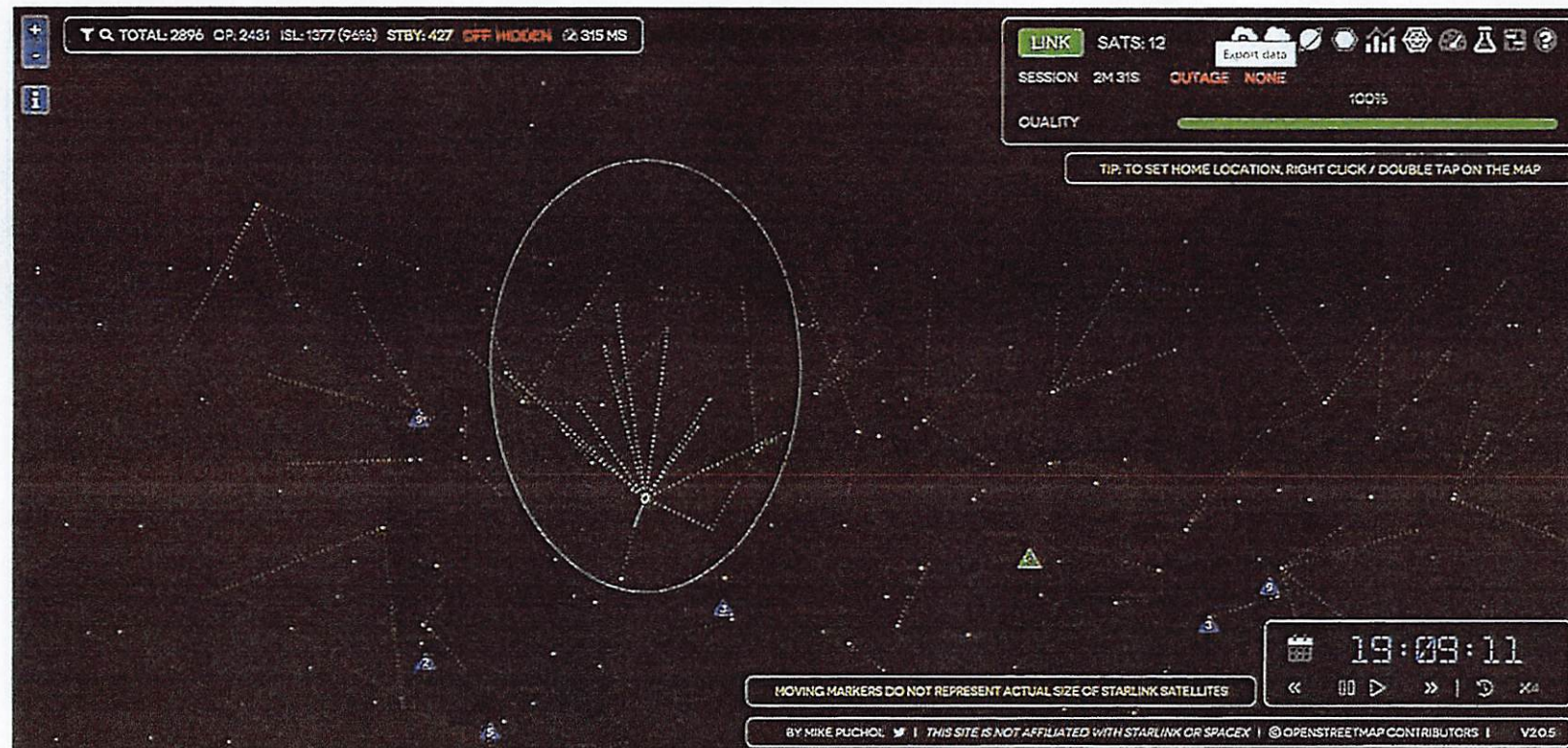
80' Monopole Tower  
Cheyenne



100' Monopole Tower  
Rock Springs



# Alternatives: Starlink





## Alternatives: Starlink




T Mobile | SPACE X

**Starbase, TX — August 25, 2022** — In a [live event](#) today, T-Mobile (NASDAQ: TMUS) CEO and President Mike Sievert and SpaceX Chief Engineer Elon Musk announced Coverage Above and Beyond: a breakthrough new plan to bring cell phone connectivity everywhere. Leveraging Starlink, SpaceX's constellation of satellites in low Earth orbit, and T-Mobile's industry-leading wireless network, the Un-carrier plans to provide near complete coverage in most places in the U.S. – even in many of the most remote locations previously unreachable by traditional cell signals.





# Suitability Analysis: Wapiti Valley



**Suitability Analysis was completed on the 9,030 Acres of the Wapiti Valley.**





## Suitability Analysis: Viewshed



**A viewshed analysis at the proposed tower location at a height of 195' was completed.**

**The resulting viewshed covers 5,552 acres or about 61% of the valley.**

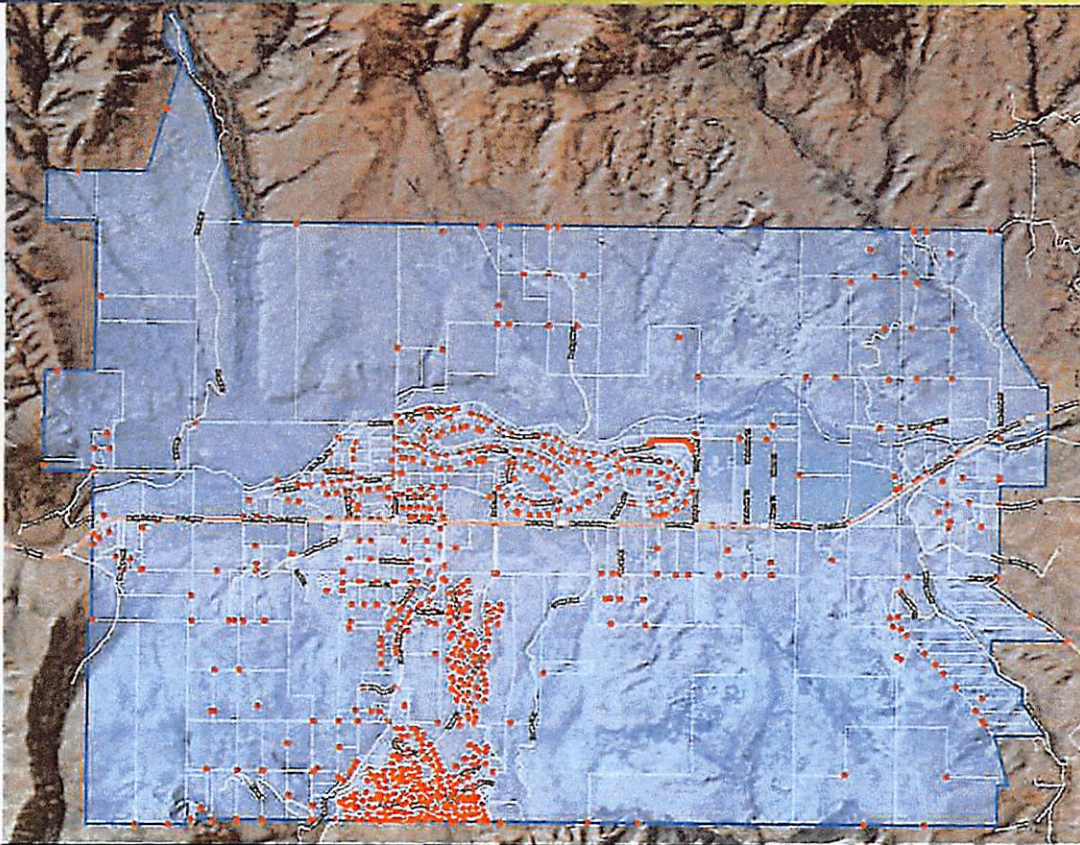




## Suitability Analysis: Max Elevation



The highest elevation point was identified in each of the 842 parcels.

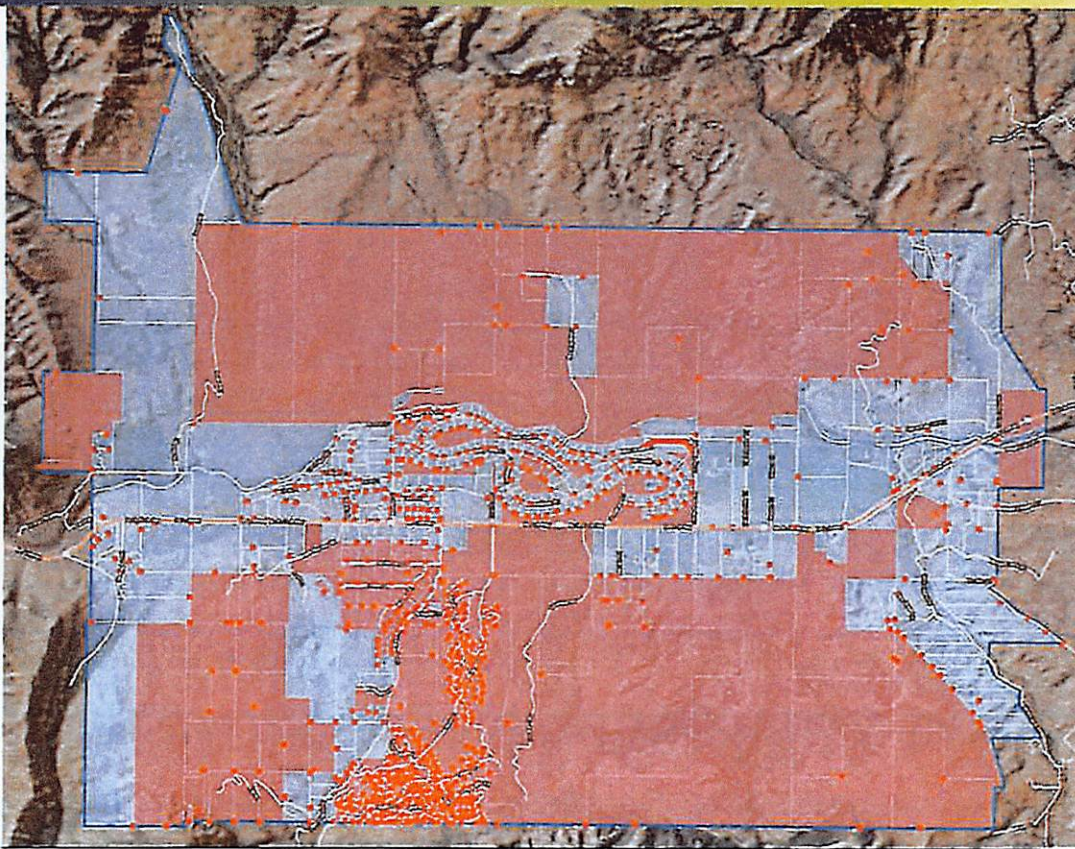




## Suitability Analysis: Max Parcels



**Roughly 346 parcels were identified as having a location more suitable for a 195' tall cell tower.**

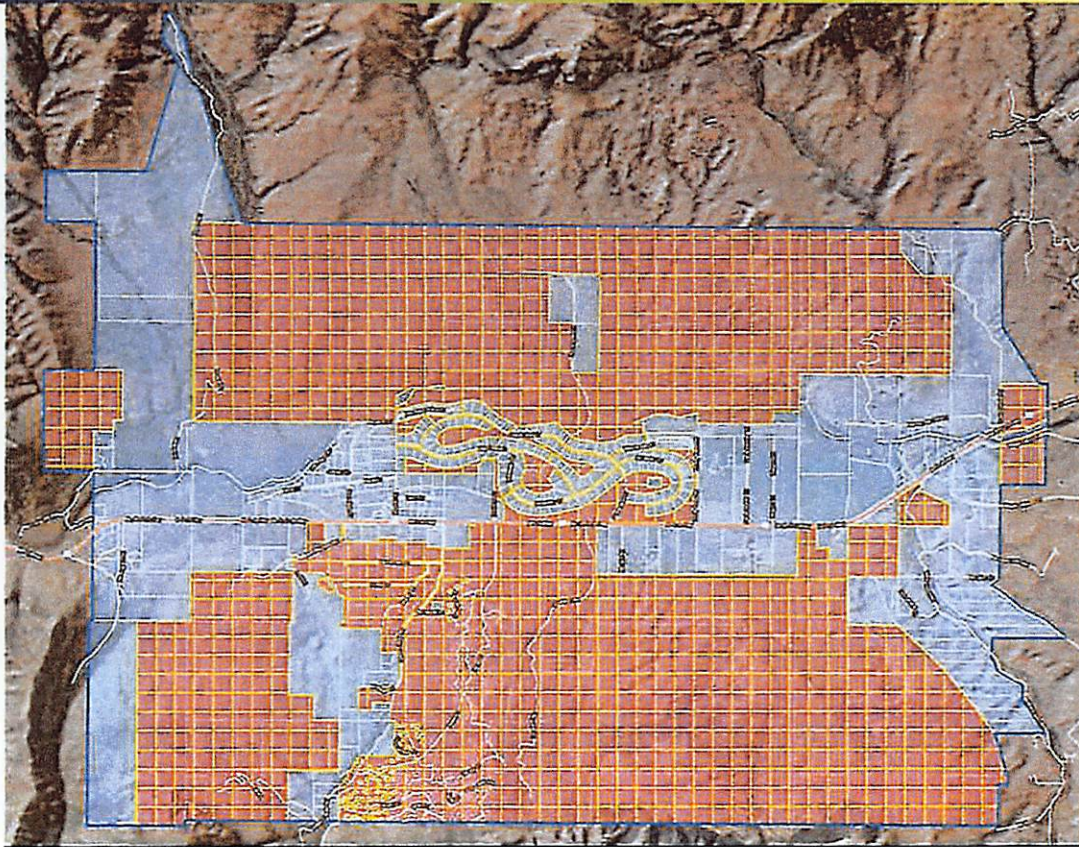




## Suitability Analysis: Max Parcels



Those parcels were split into 500' grids.





## Max Parcels: Max Elevation



**Over 1100 points were analyzed to identify viewsheds greater than 5,552 acres.**



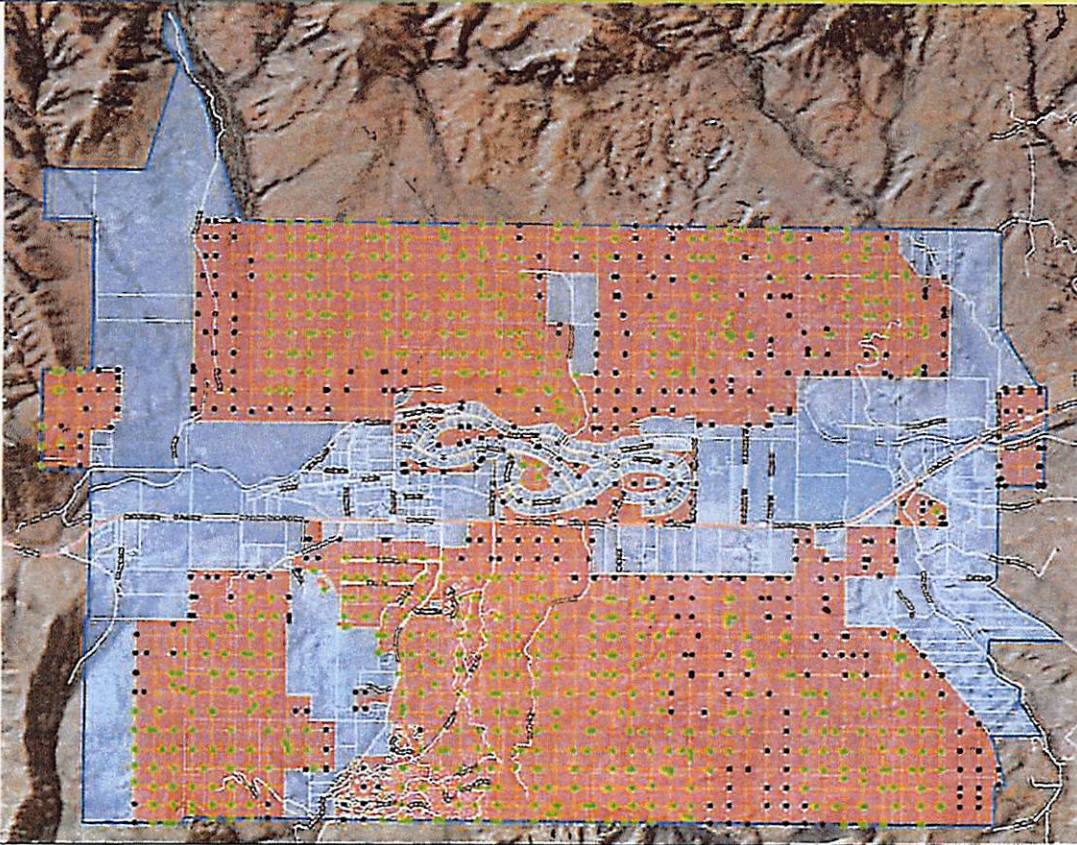


## Viewshed > 5552 Acres



710 locations were identified that have a viewshed of greater than 5,552 acres.

Viewshed Ranging From 5,552 acres to 7,252 acres





## Prohibited: Subdivisions



**Subdivisions were added as a prohibitive layer.**

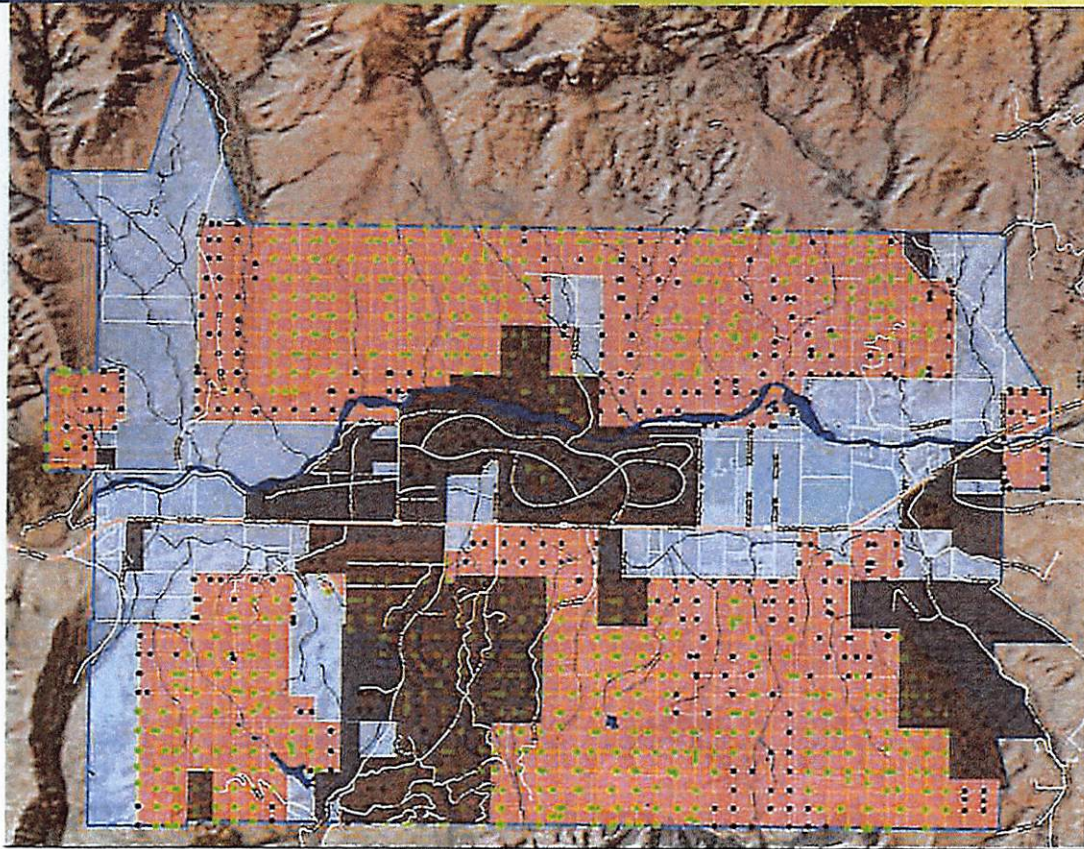




## Prohibited: Wetlands



**Wetlands were then added as another prohibitive layer.**





## Prohibited: Wetlands & 250' Buffer



**A 250' buffer was applied to the wetlands to provide a safe corridor for wildlife.**

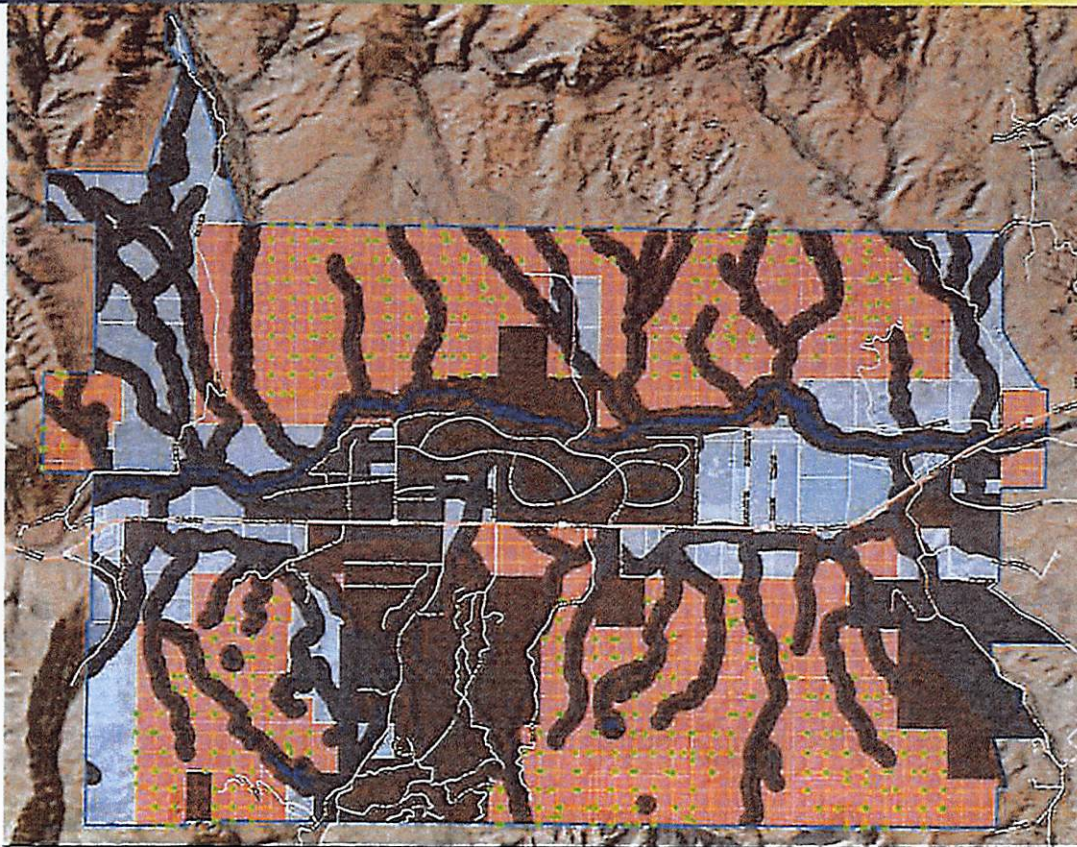




## 195' Tall Proposed Towers



**This leaves us with 474 locations outside of a subdivision, 250' from a wetland, and with viewsheds that cover a larger acreage than 5,552'.**





## 100' Tall Proposed Towers



**If we reduce those proposed tower locations to 100' we are left with 207 locations.**

**Viewshed Ranging From  
5,552 acres to 7,077 acres**





## 75' Tall Proposed Towers



**Reducing the towers to a height of 75' leaves us with 150 locations.**

**Viewshed Ranging From 5,552 acres to 7,013 acres**





## 50' Tall Proposed Towers



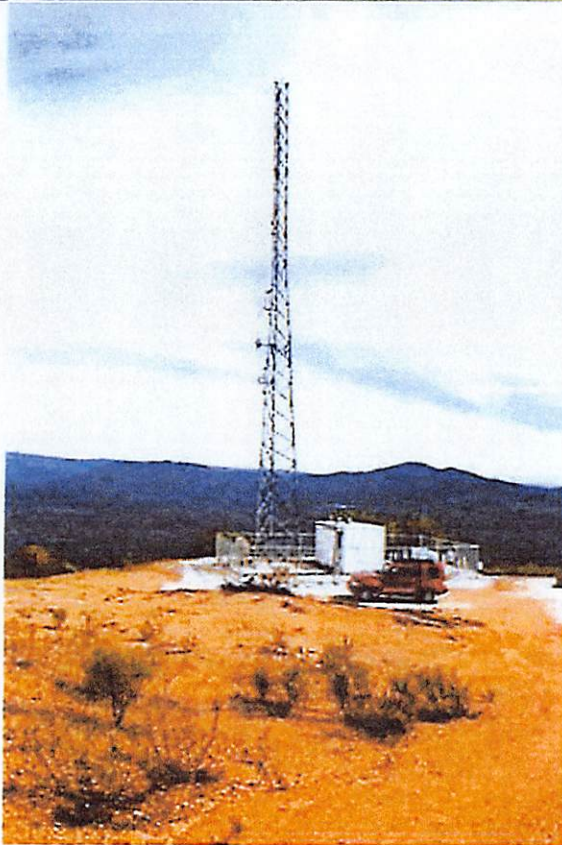
Finally, reducing those tower heights to 50' provides 107 tower locations that cover a larger viewshed than the proposed 195' tall tower.

Viewshed Ranging From  
5,552 acres to 6,907 acres

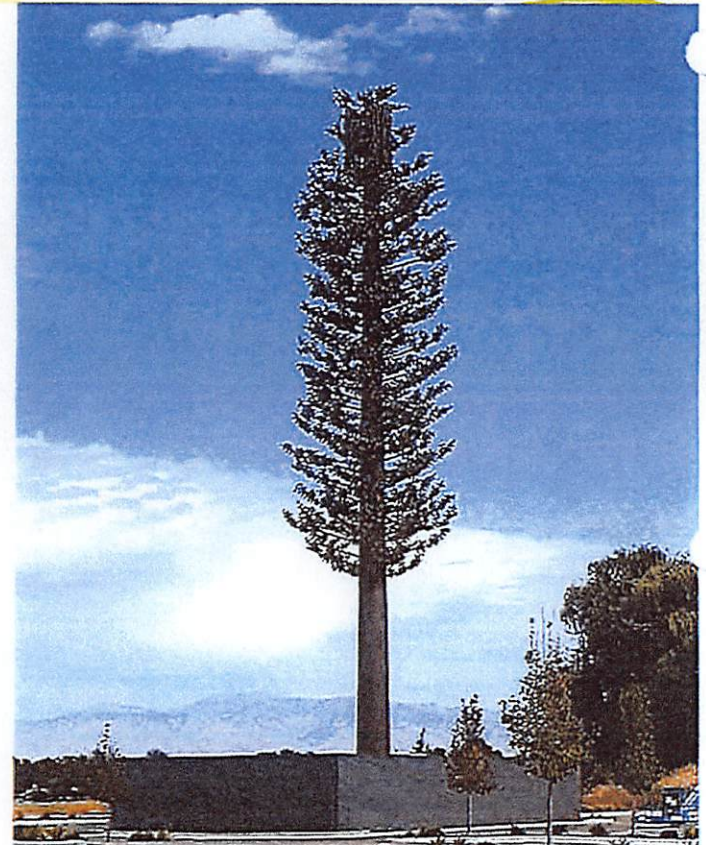




## What If?



100' Lattice Tower  
Deadwood



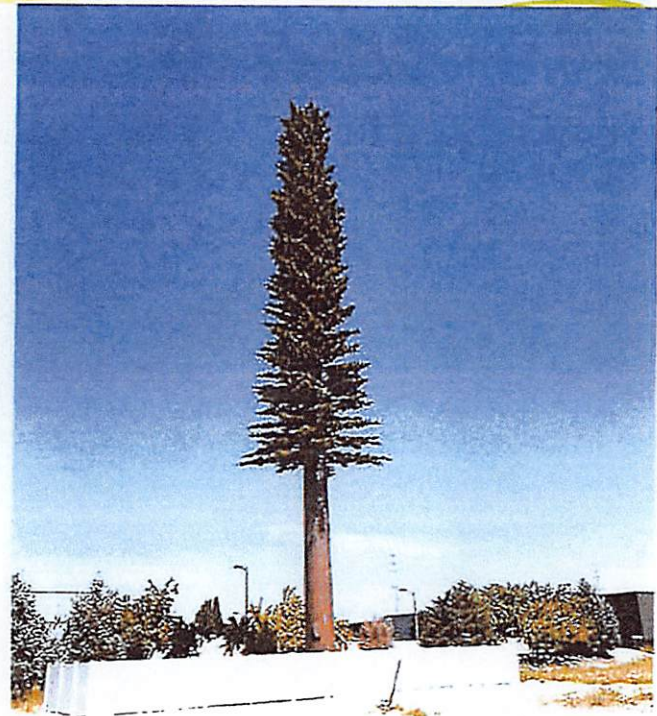
100' Monopine  
Spanish Sun



## What If?



110' Monopole Tower  
Tartesso West



100' Monotree  
Amity



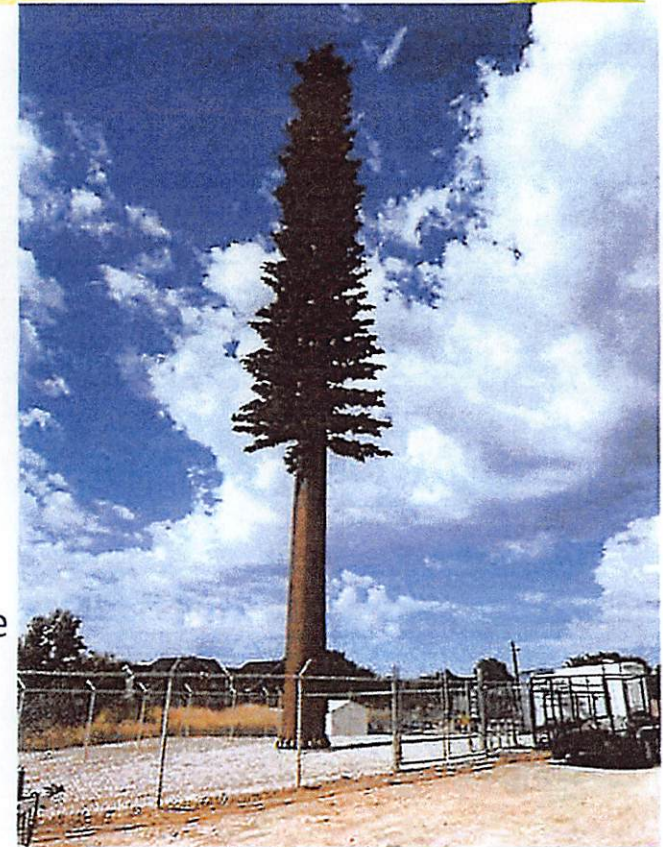
# What If?



85' Monopole  
Brewster



105' Monotree  
Star





# Park County LUP: Outreach Summary



## Planning Area Breakdown of Responses (Communication Towers)

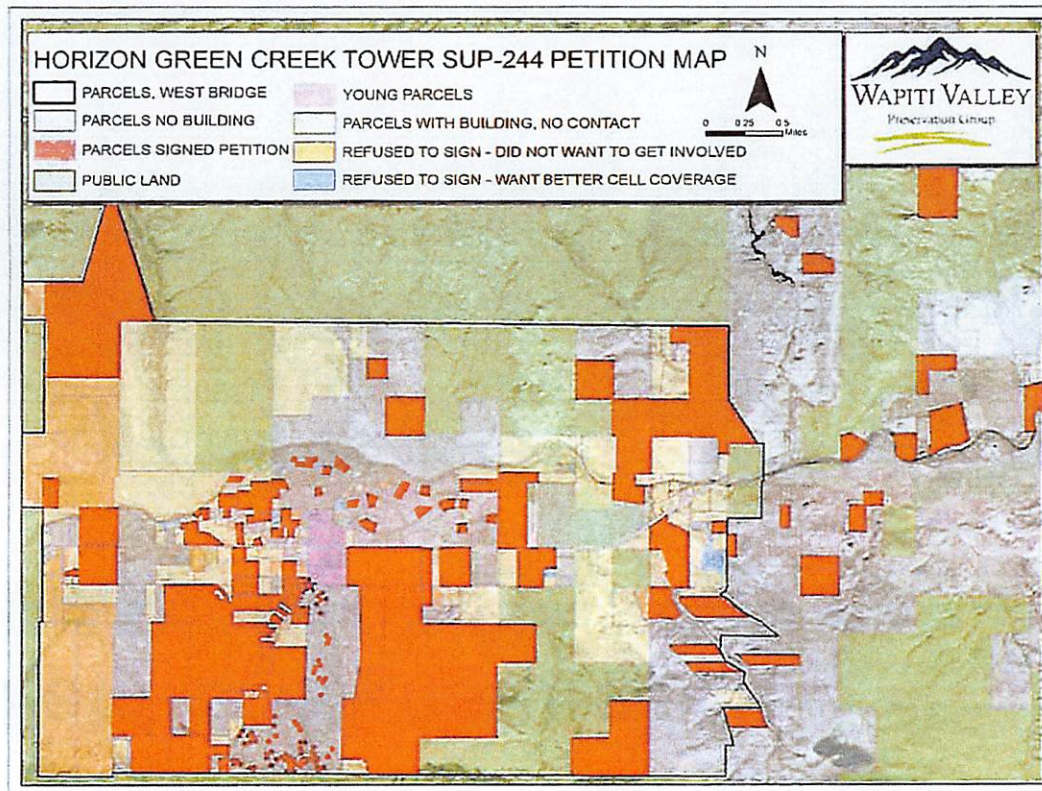
The following table reflects combined responses from the community meetings and online survey broken out by planning area:

	Limited	Moderate	Proactive	Other	Total	Responses
Clark	20.2%	21.2%	51.9%	6.7%	100.0%	104
Cody Local	18.7%	34.2%	41.9%	5.2%	100.0%	155
Cody/Powell Rural	32.1%	25.9%	40.7%	1.2%	100.0%	81
Lower Southfork	26.7%	33.3%	40.0%	0.0%	100.0%	30
Montealese	13.6%	31.8%	54.5%	0.0%	100.0%	22
Middle Southfork	35.5%	29.0%	35.5%	0.0%	100.0%	31
North Fork	8.9%	15.6%	65.6%	10.0%	100.0%	90
Powell	25.0%	34.6%	40.4%	0.0%	100.0%	52
Sage Creek	15.2%	30.3%	54.5%	0.0%	100.0%	33
Sunlight	30.0%	10.0%	60.0%	0.0%	100.0%	10
Upper Clark's Fork	0.0%	100.0%	0.0%	0.0%	100.0%	3
Upper South Fork	10.0%	35.0%	50.0%	5.0%	100.0%	20
Total						631

[https://parkcounty-wy.gov/wp-content/uploads/2022/11/ParkCounty\\_KeyChoicesOutreachSummary\\_Nov2022.pdf](https://parkcounty-wy.gov/wp-content/uploads/2022/11/ParkCounty_KeyChoicesOutreachSummary_Nov2022.pdf)



# Petition: 290 Signatures and Counting!



- Wapiti Valley (9,030 Acres)
- 7,492 Acres Private
- 5,094 Acres Signed Petition
- 68% of Landowners Against
- \$85.6 million in property value



# Petition Signatures



DOWLING FAMILY TRUST	37 ROAD 68U	marion	cameron	Susan	Duman	Kassy	Hepps	Yvian	McCord	Kevin	Ponder	Kathleen	Shwartz	Jess	Wolf
Nichole	Allen	Kathleen	Caserta	A. W.	Duman	Emily	Hess	Lon	McCreary	David	Preston	John	Shwartz	WILLIAM	WOOD
Roselle	Allen	Louis	Caserta	Yvette	Dyer	Joe	Higgs	Tim	McCreary	James	Price	Joy	Simpson	Jeff	Wooden
Steve	Anderson	Robin	Chadwick	James	Dyer	Steve	Holbo	Carl	McKinney	Carol	Price	Shirley	Sindair	Tina	Wray
Ann	Anderson	Warren	Chadwick	Paul J	Eades	Georgina	Hopkins	Mary	McKinney	Etha	Prince-Broethuizen	Patrick	Slyuz	Bob	Yates
Elise	Anderson	Alex	Canilone	David	Easterday	Brock	Johnson	Scott	Michaels	Linda	Putney	Deborah	Slyuz	Jim	Zumbo
Beth	Antal	Trudi	Clark	Susan	Easterday	Margie	Johnson	Pauline	Michaels	Michael & Maria	Ray	Kevin	Smith	Madonna	Zumbo
Jim	Archard	Brian	Clarison	Rand	Easterday	Mike	Johnson	Bryan	Mick	Ian	Recker	George D	Smith		
Corey	Arco	Katherine	Clarkson	Tanner	Edin	Heather	Jones	Sean	Mitaelan	Melissa	Reed	Janice	Smith		
Dawn	Atkinson	Maria	Concannon	Haid	Ellis	Brian	Jones	Robert	Mills	Brent	Reed	Lon	Smith		
Teri	Bullinger May	Jeff	Concannon	Patsy	Eyde	Jay	Kaimal	Robert	Mockos	Gary	Rich	Dustin	Scooner		
Lynn	Barna	Sue	Concannon-Murphy	Gary	Eyde	Michael	Keen	Eloabeth	Mockos	Sarah	Robertson	Gordon	Spinkler		
Andrew	Barringer	Ken	Conway	Sandra	Fisher	Janet	Kampner	Colleen	Monahan	Lea Ann	Rodan	Gretchen	Stark		
Joel	Baum	Gregory	Corbin	Rick	Fisher	Erik	Ginkade	Kerry	Narshy	Brooks	Rodan	Laurie	Steward		
Krystal	Baum	Andrew	Corbin	Christian Marie	Fisher	Charles	Girkham	Katie	Myers	Rick	Rosenberg	Terry	Tarbett		
Robert	Beal	Lou	Cornell	Mya	Folyn	Susan	Koteles	Chris	Myers	Shannon	Rosenberg				
Joe	Beal	April	Cornell	Matthew	Fry	Steve	Koteles	Rebecca	Nagy	Thomas W	Rullman	Daniel	Trenholm		
Joseph	Beal	Chad	Coulter	Matthew	Fry	David	Cuck	Susan	Nel	Suzanne M	Rullman	Steven	Vanderwerf		
Lisa	Becker	Lacinda	Countryman	Tiffany	Fry	Taylor	Kuharska	Robert	Nelson	Jimmy	Rush	Dawn	Vanderwerf		
Lisa	Becker	Kurt	Countryman	Marianne	Gambill	Tina	Lamb	Jerry	Niederer	Terry	Sable	Vicent	VanWeelden		
Gail	Bernardin	Stan	Cronland	Judge	Gambill	WM	Landwer	Wendy	Niederer	Mary	Sauve	Shelly	VanWeelden		
Janet	Bernardin	Joseph	Crossan	Lestley	Gardner	MA	Landwer	Edward	Niederer	Dr. Richard	Sauve	James	Vest		
Cathie	Bernavich	Iverson	Crume	Todd	Gardner	Shannon	Lastowski	Tim	Nugent	Gennot	Schaal	Rendra	Vijelista		
Joe	Black	L. Kicson	Crume	James	Geier	Joseph	Laughlin	Sally	Ogletree	Narc	Schmeiser	David	Vilkoma		
Deborah	Black	ROZLYN	CUMMINGS	Michael	Gibbens	Dalia	Laughlin	Ron	Ogletree	Hene	Schmeiser	Hannah	Voorhees		
Harry	Block	HARRY	CUMMINGS	Gregory W	Giezy	Christy	Lazzaretti	Ronald	Olsten	Susan	Schmidt	Kirk	Waggoner		
Steven	Bohl	Jaron	Curyea	Aya	Gimmeson	Keith	Legg	Nina	Parker	Michael	Schmidt	Chad	Wagler		
Dan	Brauser	Kelsey	Curyea	Sylvan	Gimmeson	Rae	Lewis	Lawrence	Parker	Rob and Nancy	Schuller	Cassandra	Wagler		
Pia	Brauser	Sandra	Cutter	Michael	Gimmeson	William	Lewis	Andrew	Pattie	Maryanne	Schultz	Erin	Wagler		
Kathleen	Brennan	Renee	Dalesandro	Ske	Gimmeson	Mary	Lindemann	Chris	Paulsen	Glen	Schultz	Inara	Walt		
Ruthy	Brew	Sharon	Dascomb	Laren	godinez	Ron	Lineberger	Debra	Paulsen	Jason	Schultz	Kristin	Walt		
Charles	Brotherton	Nancy	David	John	godinez	Sunshine	Living Trust	William	Peak	Jeanne	Schultz	Erik	Walt		
Carol	Brown	Dan	David	Dan	Golder	Kenny	Long	Grace	Pearson	Landon	Selby	Lecia	Walker		
Michael	Brownmiller	Lisa	De Fina	Ted	Gonzaga	Rodney	Longaker	Matthew	Pearson	Randy	Selby	Colten	Wead		
Dawn	Brombaugh	David	De Fina	Grund	Grund	Tatyana	MacLean	Jeff	Peramba	Catherin	Selby	Hannah	Wead		
Eugene	Brombaugh	Maria	Dembrik	Jon	Hancock	Michael	MacLean	Pamela	Perez	Randolph	Selby	Lance	Wead		
Julianne	Bruno	Karl	Dembrik	Audrey	Hancock	Neil	MacLean	Rudy	Perez	James	Selby	Becky	Westbrook		
James	Bruno	Lynn	Dickson	Valerie	Harvey	Andrea	Marthey	William	Phillips	Ted	Sethness	James	Wilder		
Thomas	Buckner	Mara	dominique	Marjorie	Negand	Wendy	Martin	Philo	Piazza	Antoinette	Shaw	Jay	Winzenried		
Jason	Burns	Tamie	Duncan	Amanda	Heinsman	Rose	Martiny	Cecilia	Pitts	Kasi	Sheaffer	Lindsay	Wion		

# Conclusion



- Planning and Zoning Commission recommended **DENIAL** of SUP-244
  - Is not in **harmony** and **compatible** with the **neighborhood**.
- Alternative technology will provide cell coverage without the need for a tower.
- Hundreds of alternative locations within the Wapiti Valley that would provide more coverage with less impact on the neighborhood.
- 287 and counting, signatures against cell tower.
- 21 Letters written to BOCC/P&Z, all against.
- 1996 Telecommunications Act does not limit local government authority over tower siting.
- A decision to deny must come with written, substantial evidence.
- Expectation of land owners to preserve quality of life.
- Proposed Cell Tower does not provide more coverage than Verizon Coverage Map.



# Conclusion



**Thank you!**



Brian Clarkson  
7 Hallingdal Lane  
Cody, WY 82414

February 6, 2023

Park County Commissioners  
1002 Sheridan Ave.  
Cody, WY 82414

Dear Board of County Commissioners:

On the morning of February 5<sup>th</sup>, 2023 with the help of Thomas Rullman, (Remote Pilot Certificate # 4055630) of GT Aeronautics the Wapiti Valley Preservation Group captured photographic evidence of the height of the proposed 195' tall cell tower. A quadcopter style Unmanned Aerial Systems (UAS) was launched adjacent to the proposed cell tower location as identified in SUP-244. The UAS hovered for approximately 20 minutes at an Above Ground Level (AGL) height of 195-feet.

The following images taken of the UAS hovering at 195-feet and taken by the UAS provides evidence that the proposed 195-tall cell tower will be significantly taller than the tree line and not in harmony with the neighborhood.



*Figure 1: Thomas Rullman preparing to launch UAS.*



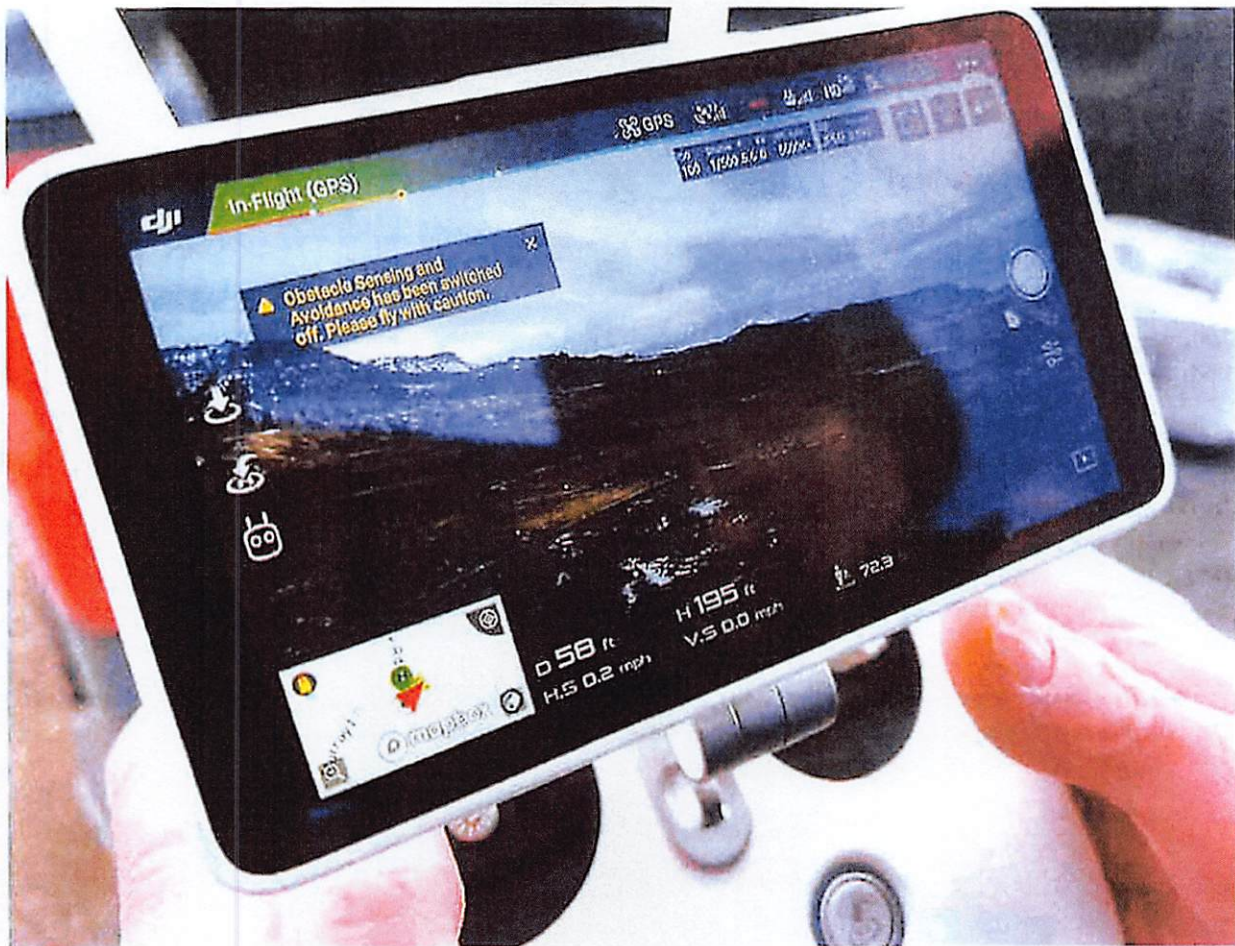


Figure 2: UAS hovering at an AGL of 195-feet, Thomas Rullman seen in reflection.





PhotoShop image of tower with drone in image for height accuracy.

Artist: Erik Kinkade 2/5/2023





PhotoShop image of tower with drone in image for height accuracy.  
Artist: Erik Kinkade 2/5/2023





Figure 3: Photo of UAS hovering at 195 feet. A red circle and line was added to highlight the UAS location.

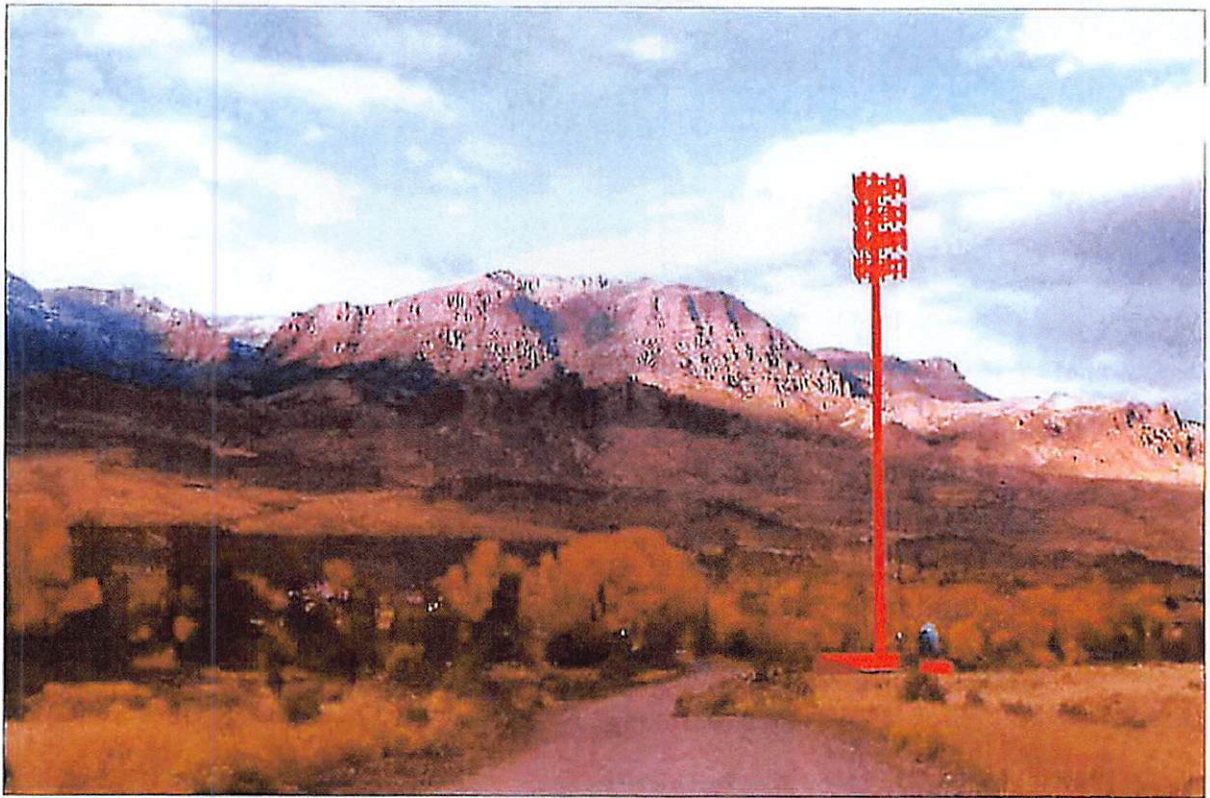


Figure 4: Original rendering by Brian Clarkson matches height of UAS photo in Figure 3.





*Figure 5. Photo of UAS hovering at 195 feet, looking South at intersection of Green Creek Road and Paintbrush Drive.*



*Figure 6. Original rendering by Brian Clarkson matches height of UAS photo in Figure 5.*





Figure 7: View of Wapiti Valley looking northwest at 195' AGL from proposed cell tower location.



Figure 8: View of Wapiti Valley looking southwest at 195' AGL from proposed cell tower location.





*Figure 9: View of Wapiti Valley looking northeast at 195' from proposed cell tower location.*

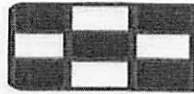
As shown in the provided images, the proposed cell tower will dominate the pristine skyline of the Wapiti Valley. Mr. Rullman's credentials have been attached to the end of this letter.

Sincerely,

*Brian W Clarkson*

Brian Clarkson

President, Wapiti Valley Preservation Group



# **GT AERONAUTICS**

GT Aeronautics, LLC ♦ 26 Elk Road ♦ Cody, WY 82414-7810 ♦ Phone & FAX: (307) 587-5509  
 www.gtaeronautics.com ♦ Email: tom@gtaeronautics.com ♦ DUNS: 624187758

## **Thomas W. Rullman – GT Aeronautics**

Thomas Rullman is the President and Chief Engineer at GT Aeronautics and designed the Bandit Remotely Piloted Aircraft System (RPAS), GT1500 RPAS, TACAMO RPAS, GT380 RPAS, GT60 RPAS, GT100HL RPAS, and the Bandito Precision Guided Loitering Munition (PGLM) system. His expertise includes over 30 years of aircraft design, flight performance, flight test, systems engineering and integration, production planning, manufacturing methods, system maintenance and training, and flight operations in the aerospace industry, both commercial and DoD. Former U.S. Naval Aviator (Light Attack & Adversary) with over 300 carrier landings and over 30,000 military and commercial flight hours in both manned and unmanned aircraft. Military strike planning and operational planning. Graduate of Naval Fighter Weapons School (TOPGUN) in 1987. Lead Project Manager for Navy Cooperative Research and Development Agreement (NCRADA) SUAS Weaponization and Cooperation between GT Aeronautics and the Naval Air Warfare Center Weapons Division China Lake (NAWCWDCL). Lead Project Manager for Non-Standard Cooperative Research and Development Agreement (NCRADA) Close-Range Armed RPAS/UAS between GT Aeronautics and the Naval Surface Warfare Center Crane Division (NSWC-CRANE). Principal Investigator and Lead Project Manager for USMC Ground Based Air Defense, United States Army Armament Research, Development and Engineering (ARDEC) under Homeland Defense Project Proposal W15QKN for development/demonstration of a Force Protection System (Bandito PGLM with Integrated Radar Target Cueing for Black Dart 2012 Counter UAS Demonstration), and ARDEC subcontract GTA-1006-12-3 under Homeland Defense Project Proposal W15QKN (via SOSSEC, Inc. and Technovative Applications, Inc.) for "Radar Support for Black Dart 2013" and "Bandito PGLM/PPS Radar Terminal Guidance Testing" at Black Dart 2013 and Black Dart 2014 Counter UAS Demonstration. Successfully developed and instructed the first college course for Small Unmanned Aircraft System Certification at the California State Polytechnic University in Pomona, California (Cal Poly Pomona) during the Fall Semester 2015 and Winter Semester 2016. Initiated (February 2017) and completing FAA Type Certification of the GT380 RPAS with the FAA Aircraft Certification Office – the first commercial Type Certification of an RPAS/UAS by the FAA in the United States. Bachelor of Science Aeronautical & Astronautical Engineering (1981) from the Ohio State University.

**TWR BACKGROUND SUMMARY**  
 Created: 01/20/2014  
 Revised: 11/17/2021

GT Aeronautics, LLC